

**TEXT OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2881  
OFFERED BY MR. OBERSTAR OF MINNESOTA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “FAA Reauthorization Act of 2007”.

4 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

**TITLE I—AUTHORIZATIONS**

**Subtitle A—Funding of FAA Programs**

Sec. 101. Airport planning and development and noise compatibility planning and programs.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Research and development.

Sec. 105. Funding for aviation programs.

**Subtitle B—Passenger Facility Charges**

Sec. 111. PFC authority.

Sec. 112. PFC eligibility for bicycle storage.

Sec. 113. Noise compatibility projects.

Sec. 114. Intermodal ground access project pilot program.

Sec. 115. Impacts on airports of accommodating connecting passengers.

**Subtitle C—Fees for FAA Services**

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

**Subtitle D—AIP Modifications**

Sec. 131. Amendments to AIP definitions.

Sec. 132. Amendments to grant assurances.

- Sec. 133. Government share of project costs.
- Sec. 134. Amendments to allowable costs.
- Sec. 135. Uniform certification training for airport concessions under disadvantaged business enterprise program.
- Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
- Sec. 137. Calculation of State apportionment fund.
- Sec. 138. Reducing apportionments.
- Sec. 139. Minimum amount for discretionary fund.
- Sec. 140. Marshall Islands, Micronesia, and Palau.
- Sec. 141. Use of apportioned amounts.
- Sec. 142. Sale of private airport to public sponsor.
- Sec. 143. Airport privatization pilot program.
- Sec. 144. Airport security program.
- Sec. 145. Sunset of pilot program for purchase of airport development rights.
- Sec. 146. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 147. Repeal of limitations on Metropolitan Washington Airports Authority.
- Sec. 148. Midway Island Airport.
- Sec. 149. Miscellaneous amendments.

## TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

- Sec. 201. Mission statement; sense of Congress.
- Sec. 202. Next generation air transportation system joint planning and development office.
- Sec. 203. Next Generation Air Transportation Senior Policy Committee.
- Sec. 204. Automatic dependent surveillance-broadcast services.
- Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.
- Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.
- Sec. 208. DOT inspector general review of operational and approach procedures by a third party.
- Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.
- Sec. 210. NEXTGEN technology testbed.
- Sec. 211. Clarification of authority to enter into reimbursable agreements.
- Sec. 212. Definition of air navigation facility.
- Sec. 213. Improved management of property inventory.
- Sec. 214. Clarification to acquisition reform authority.
- Sec. 215. Assistance to foreign aviation authorities.
- Sec. 216. Front line manager staffing.
- Sec. 217. Flight service stations.

## TITLE III—SAFETY

### Subtitle A—General Provisions

- Sec. 301. Age standards for pilots.
- Sec. 302. Judicial review of denial of airman certificates.
- Sec. 303. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 304. Inspection of foreign repair stations.

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- Sec. 305. Runway incursion reduction.
- Sec. 306. Improved pilot licenses.
- Sec. 307. Aircraft fuel tank safety improvement.
- Sec. 308. Flight crew fatigue.
- Sec. 309. OSHA standards.
- Sec. 310. Aircraft surveillance in mountainous areas.
- Sec. 311. Off-airport, low-altitude aircraft weather observation technology.

## Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Commercial unmanned aircraft systems integration plan.
- Sec. 322. Special rules for certain unmanned aircraft systems.
- Sec. 323. Public unmanned aircraft systems.
- Sec. 324. Definitions.

## TITLE IV—AIR SERVICE IMPROVEMENTS

- Sec. 401. Monthly air carrier reports.
- Sec. 402. Flight operations at Reagan National Airport.
- Sec. 403. EAS contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Air passenger service improvements.
- Sec. 407. Contents of competition plans.
- Sec. 408. Extension of competitive access reports.
- Sec. 409. Contract tower program.
- Sec. 410. Airfares for members of the Armed Forces.
- Sec. 411. Medical oxygen and portable respiratory assistive devices.

## TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.
- Sec. 502. State block grant program.
- Sec. 503. Airport funding of special studies or reviews.
- Sec. 504. Grant eligibility for assessment of flight procedures.
- Sec. 505. CLEEN research, development, and implementation partnership.
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 507. Environmental mitigation pilot program.
- Sec. 508. Aircraft departure queue management pilot program.
- Sec. 509. High performance and sustainable air traffic control facilities.
- Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.

## TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. MSPB remedial authority for FAA employees.
- Sec. 603. FAA technical training and staffing.
- Sec. 604. Designee program.
- Sec. 605. Staffing model for aviation safety inspectors.
- Sec. 606. Safety critical staffing.
- Sec. 607. FAA air traffic controller staffing.
- Sec. 608. Assessment of training programs for air traffic controllers.
- Sec. 609. Collegiate training initiative study.

## TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
- Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.
- Sec. 703. Clarification of reinsurance authority.
- Sec. 704. Use of independent claims adjusters.
- Sec. 705. Extension of program authority.

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.
- Sec. 802. Disclosure of data to Federal agencies in interest of national security.
- Sec. 803. FAA access to criminal history records and database systems.
- Sec. 804. Clarification of air carrier fee disputes.
- Sec. 805. Study on national plan of integrated airport systems.
- Sec. 806. Express carrier employee protection.
- Sec. 807. Consolidation and realignment of FAA facilities.
- Sec. 808. Transportation Security Administration centralized training facility feasibility study.
- Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
- Sec. 810. Lost Nation Airport, Ohio.
- Sec. 811. Pollock Municipal Airport, Louisiana.
- Sec. 812. Human intervention and motivation study program.
- Sec. 813. Washington, D.C., Air Defense Identification Zone.
- Sec. 814. Merrill Field Airport, Anchorage, Alaska.
- Sec. 815. William P. Hobby Airport, Houston, Texas.

#### TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Short title.
- Sec. 902. Definitions.
- Sec. 903. Interagency research initiative on the impact of aviation on the climate.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Centers of excellence.
- Sec. 907. Airport cooperative research program.
- Sec. 908. Unmanned aircraft systems.
- Sec. 909. Research grants program involving undergraduate students.
- Sec. 910. Research program on space weather and aviation.
- Sec. 911. Aviation gas research and development program.
- Sec. 912. Research reviews and assessments.
- Sec. 913. Review of FAA's aviation safety-related research programs.
- Sec. 914. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 915. Center for excellence in aviation employment.

### 1 SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

2 Except as otherwise expressly provided, whenever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or a repeal of, a section or other  
5 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States  
2 Code.

3 **SEC. 3. EFFECTIVE DATE.**

4 Except as otherwise expressly provided, this Act and  
5 the amendments made by this Act shall apply only to fiscal  
6 years beginning after September 30, 2007.

7 **TITLE I—AUTHORIZATIONS**  
8 **Subtitle A—Funding of FAA**  
9 **Programs**

10 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**  
11 **NOISE COMPATIBILITY PLANNING AND PRO-**  
12 **GRAMS.**

13 (a) AUTHORIZATION.—Section 48103 is amended—

14 (1) by striking “September 30, 2003” and in-  
15 serting “September 30, 2007”; and

16 (2) by striking paragraphs (1) through (4) and  
17 inserting the following:

18 “(1) \$3,800,000,000 for fiscal year 2008;

19 “(2) \$3,900,000,000 fiscal year 2009;

20 “(3) \$4,000,000,000 fiscal year 2010; and

21 “(4) \$4,100,000,000 fiscal year 2011.”.

22 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)  
23 is amended by striking “September 30, 2007” and insert-  
24 ing “September 30, 2011”.

1 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3 48101(a) is amended by striking paragraphs (1) through  
4 (4) and inserting the following:

5 “(1) \$3,120,000,000 for fiscal year 2008.

6 “(2) \$3,246,000,000 for fiscal year 2009.

7 “(3) \$3,259,000,000 for fiscal year 2010.

8 “(4) \$3,353,000,000 for fiscal year 2011.”.

9 (b) USE OF FUNDS.—Section 48101 is amended by  
10 striking subsections (c) through (i) and inserting the fol-  
11 lowing:

12 “(c) WAKE VORTEX MITIGATION.—Of amounts ap-  
13 propriated under subsection (a), such sums as may be nec-  
14 essary for each of fiscal years 2008 through 2011 may  
15 be used for the development and analysis of wake vortex  
16 mitigation, including advisory systems.

17 “(d) WEATHER HAZARDS.—

18 “(1) IN GENERAL.—Of amounts appropriated  
19 under subsection (a), such sums as may be nec-  
20 essary for each of fiscal years 2008 through 2011  
21 may be used for the development of in-flight and  
22 ground-based weather threat mitigation systems, in-  
23 cluding ground de-icing and anti-icing systems and  
24 other systems for predicting, detecting, and miti-  
25 gating the effects of certain weather conditions on  
26 both airframes and engines.

1           “(2) SPECIFIC HAZARDS.—Weather conditions  
2       referred to in paragraph (1) include—

3           “(A) ground-based icing threats such as  
4       ice pellets and freezing drizzle;

5           “(B) oceanic weather, including convective  
6       weather, and other hazards associated with oce-  
7       anic operations (where commercial traffic is  
8       high and only rudimentary satellite sensing is  
9       available) to reduce the hazards presented to  
10      commercial aviation, including convective  
11      weather ice crystal ingestion threats; and

12      “(C) en route turbulence prediction.

13      “(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts  
14      appropriated under subsection (a) and section 106(k)(1),  
15      such sums as may be necessary for each of fiscal years  
16      2008 through 2011 may be used to advance the develop-  
17      ment and implementation of safety management systems.

18      “(f) RUNWAY INCURSION REDUCTION PROGRAMS.—  
19      Of amounts appropriated under subsection (a),  
20      \$8,000,000 for fiscal year 2008, \$10,000,000 for fiscal  
21      year 2009, \$12,000,000 for fiscal year 2010, and  
22      \$12,000,000 for fiscal year 2011 may be used for the de-  
23      velopment and implementation of runway incursion reduc-  
24      tion programs.



1       “(g) RUNWAY STATUS LIGHTS.—Of amounts appro-  
2       priated under subsection (a), \$15,000,000 for fiscal year  
3       2008, \$27,000,000 for fiscal year 2009, \$12,000,000 for  
4       fiscal year 2010, and \$20,000,000 for 2011 may be used  
5       for the acquisition and installation of runway status lights.

6       “(h) ADDITIONAL PROGRAMS IN FISCAL YEAR  
7       2008.—Of amounts appropriated under subsection (a),  
8       \$19,500,000 for fiscal year 2008 may be used for—

9               “(1) system capacity, planning, and improve-  
10       ment;

11               “(2) operations concept validation;

12               “(3) NAS weather requirements;

13               “(4) Airspace Management Lab;

14               “(5) Local Area Augmentation System (LAAS);

15       and

16               “(6) wind profiling and weather research, Ju-  
17       neau.

18       “(i) ADDITIONAL PROGRAMS IN FISCAL YEARS  
19       2009–2011.—Of amounts appropriated under subsection  
20       (a), \$14,500,000 for each of fiscal years 2009, 2010, and  
21       2011 may be used for—

22               “(1) system capacity, planning, and improve-  
23       ment;

24               “(2) operations concept validation;

25               “(3) NAS weather requirements; and

1 “(4) Airspace Management Lab.”.

2 **SEC. 103. FAA OPERATIONS.**

3 (a) IN GENERAL.—Section 106(k)(1) is amended by  
4 striking subparagraphs (A) through (D) and inserting the  
5 following:

6 “(A) \$8,726,000,000 for fiscal year 2008;

7 “(B) \$8,978,000,000 for fiscal year 2009;

8 “(C) \$9,305,000,000 for fiscal year 2010;

9 and

10 “(D) \$9,590,000,000 for fiscal year  
11 2011.”.

12 (b) AUTHORIZED EXPENDITURES.—Section  
13 106(k)(2) is amended—

14 (1) by striking subparagraphs (A), (B), (C),  
15 (D), and (F);

16 (2) by redesignating subparagraphs (E) and  
17 (G) as subparagraphs (A) and (B), respectively; and

18 (3) in subparagraphs (A) and (B) (as so red-  
19 igned) by striking “2004 through 2007” and in-  
20 serting “2008 through 2011”.

21 (c) AIRLINE DATA AND ANALYSIS.—There is author-  
22 ized to be appropriated to the Secretary of Transportation  
23 out of the Airport and Airway Trust Fund established by  
24 section 9502 of the Internal Revenue Code of 1986 (26  
25 U.S.C. 9502) to fund airline data collection and analysis

1 by the Bureau of Transportation Statistics in the Re-  
2 search and Innovative Technology Administration of the  
3 Department of Transportation—

4 (1) \$4,000,000 for fiscal year 2008; and

5 (2) \$6,000,000 for each of fiscal years 2009,  
6 2010, and 2011.

7 **SEC. 104. RESEARCH AND DEVELOPMENT.**

8 Section 48102(a) is amended—

9 (1) in paragraph (11)(L) by striking “and”;

10 (2) in paragraph (12)(L) by striking the period  
11 at the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(13) for fiscal year 2008, \$335,191,000, in-  
14 cluding—

15 “(A) \$7,350,000 for fire research and safe-  
16 ty;

17 “(B) \$4,086,000 for propulsion and fuel  
18 systems;

19 “(C) \$2,713,000 for advanced materials  
20 and structural safety;

21 “(D) \$3,574,000 for atmospheric hazards  
22 and digital system safety;

23 “(E) \$14,931,000 for aging aircraft;

24 “(F) \$2,202,000 for aircraft catastrophic  
25 failure prevention research;

1           “(G) \$14,651,000 for flightdeck maintenance,  
2           system integration, and human factors;

3           “(H) \$9,517,000 for aviation safety risk  
4           analysis;

5           “(I) \$15,254,000 for air traffic control,  
6           technical operations, and human factors;

7           “(J) \$6,780,000 for aeromedical research;

8           “(K) \$19,888,000 for weather programs;

9           “(L) \$6,310,000 for unmanned aircraft  
10          systems research;

11          “(M) \$18,100,000 for the Next Generation  
12          Air Transportation System Joint Planning and  
13          Development Office;

14          “(N) \$10,755,000 for wake turbulence;

15          “(O) \$20,469,000 for environment and energy;  
16

17          “(P) \$1,184,000 for system planning and  
18          resource management;

19          “(Q) \$3,415,000 for the William J.  
20          Hughes Technical Center Laboratory Facility;

21          “(R) \$74,200,000 for the Center for Advanced Aviation System Development;  
22

23          “(S) \$2,000,000 for the Airport Cooperative Research Program—capacity;  
24

1           “(T) \$3,000,000 for the Airport Coopera-  
2           tive Research Program—environment;

3           “(U) \$5,000,000 for the Airport Coopera-  
4           tive Research Program—safety;

5           “(V) \$3,600,000 for GPS civil require-  
6           ments;

7           “(W) \$15,000,000 for Safe Flight 21,  
8           Alaska Capstone;

9           “(X) \$8,907,000 for airports technology  
10          research—capacity;

11          “(Y) \$9,805,000 for airports technology  
12          research—safety;

13          “(14) for fiscal year 2009, \$481,554,000, in-  
14          cluding—

15               “(A) \$8,457,000 for fire research and safe-  
16               ty;

17               “(B) \$4,050,000 for propulsion and fuel  
18               systems;

19               “(C) \$2,686,000 for advanced materials  
20               and structural safety;

21               “(D) \$3,568,000 for atmospheric hazards  
22               and digital system safety;

23               “(E) \$14,683,000 for aging aircraft;

24               “(F) \$2,158,000 for aircraft catastrophic  
25               failure prevention research;

1           “(G) \$37,499,000 for flightdeck maintenance,  
2           system integration, and human factors;

3           “(H) \$8,349,000 for aviation safety risk  
4           analysis;

5           “(I) \$15,323,000 for air traffic control,  
6           technical operations, and human factors;

7           “(J) \$6,932,000 for aeromedical research;

8           “(K) \$22,336,000 for weather program;

9           “(L) \$6,738,000 for unmanned aircraft  
10          systems research;

11          “(M) \$18,100,000 for the Next Generation  
12          Air Transportation System Joint Planning and  
13          Development Office;

14          “(N) \$10,560,000 for wake turbulence;

15          “(O) \$35,039,000 for environment and energy;  
16          energy;

17          “(P) \$1,847,000 for system planning and  
18          resource management;

19          “(Q) \$3,548,000 for the William J.  
20          Hughes Technical Center Laboratory Facility;

21          “(R) \$85,000,000 for Center for Advanced  
22          Aviation System Development;

23          “(S) \$5,000,000 for the Airport Cooperative  
24          Research Program—capacity;

1           “(T) \$5,000,000 for the Airport Coopera-  
2           tive Research Program—environment;

3           “(U) \$5,000,000 for the Airport Coopera-  
4           tive Research Program—safety;

5           “(V) \$3,469,000 for GPS civil require-  
6           ments;

7           “(W) \$20,000,000 for Safe Flight 21,  
8           Alaska Capstone;

9           “(X) \$8,907,000 for airports technology  
10          research—capacity;

11          “(Y) \$9,805,000 for airports technology  
12          research—safety;

13          “(15) for fiscal year 2010, \$486,502,000, in-  
14          cluding—

15               “(A) \$8,546,000 for fire research and safe-  
16               ty;

17               “(B) \$4,075,000 for propulsion and fuel  
18               systems;

19               “(C) \$2,700,000 for advanced materials  
20               and structural safety;

21               “(D) \$3,608,000 for atmospheric hazards  
22               and digital system safety;

23               “(E) \$14,688,000 for aging aircraft;

24               “(F) \$2,153,000 for aircraft catastrophic  
25               failure prevention research;

1           “(G) \$36,967,000 for flightdeck maintenance,  
2           system integration, and human factors;

3           “(H) \$8,334,000 for aviation safety risk  
4           analysis;

5           “(I) \$15,471,000 for air traffic control,  
6           technical operations, and human factors;

7           “(J) \$7,149,000 for aeromedical research;

8           “(K) \$23,286,000 for weather program;

9           “(L) \$6,236,000 for unmanned aircraft  
10          systems research;

11          “(M) \$18,100,000 for the Next Generation  
12          Air Transportation System Joint Planning and  
13          Development Office;

14          “(N) \$10,412,000 for wake turbulence;

15          “(O) \$34,678,000 for environment and energy;  
16

17          “(P) \$1,827,000 for system planning and  
18          resource management;

19          “(Q) \$3,644,000 for William J. Hughes  
20          Technical Center Laboratory Facility;

21          “(R) \$90,000,000 for the Center for Advanced  
22          Aviation System Development;

23          “(S) \$5,000,000 for the Airport Cooperative  
24          Research Program—capacity;



1           “(T) \$5,000,000 for the Airport Coopera-  
2           tive Research Program—environment;

3           “(U) \$5,000,000 for the Airport Coopera-  
4           tive Research Program—safety;

5           “(V) \$3,416,000 for GPS civil require-  
6           ments;

7           “(W) \$20,000,000 for Safe Flight 21,  
8           Alaska Capstone;

9           “(X) \$8,907,000 for airports technology  
10          research—capacity;

11          “(Y) \$9,805,000 for airports technology  
12          research—safety; and

13          “(16) for fiscal year 2011, \$514,832,000, in-  
14          cluding—

15               “(A) \$8,815,000 for fire research and safe-  
16               ty;

17               “(B) \$4,150,000 for propulsion and fuel  
18               systems;

19               “(C) \$2,747,000 for advanced materials  
20               and structural safety;

21               “(D) \$3,687,000 for atmospheric hazards  
22               and digital system safety;

23               “(E) \$14,903,000 for aging aircraft;

24               “(F) \$2,181,000 for aircraft catastrophic  
25               failure prevention research;

1           “(G) \$39,245,000 for flightdeck maintenance,  
2           system integration and human factors;

3           “(H) \$8,446,000 for aviation safety risk  
4           analysis;

5           “(I) \$15,715,000 for air traffic control,  
6           technical operations, and human factors;

7           “(J) \$7,390,000 for aeromedical research;

8           “(K) \$23,638,000 for weather program;

9           “(L) \$6,295,000 for unmanned aircraft  
10          systems research;

11          “(M) \$18,100,000 for the Next Generation  
12          Air Transportation System Joint Planning and  
13          Development Office;

14          “(N) \$10,471,000 for wake turbulence;

15          “(O) \$34,811,000 for environment and energy;  
16

17          “(P) \$1,836,000 for system planning and  
18          resource management;

19          “(Q) \$3,758,000 for William J. Hughes  
20          Technical Center Laboratory Facility;

21          “(R) \$114,000,000 for Center for Advanced  
22          Aviation System Development;

23          “(S) \$5,000,000 for the Airport Cooperative  
24          Research Program—capacity;

1           “(T) \$5,000,000 for the Airport Coopera-  
2           tive Research Program—environment;

3           “(U) \$5,000,000 for the Airport Coopera-  
4           tive Research Program—safety;

5           “(V) \$3,432,000 for GPS civil require-  
6           ments;

7           “(W) \$20,000,000 for Safe Flight 21,  
8           Alaska Capstone;

9           “(X) \$8,907,000 for airports technology  
10          research—capacity;

11          “(Y) \$9,805,000 for airports technology  
12          research—safety.”.

13   **SEC. 105. FUNDING FOR AVIATION PROGRAMS.**

14       (a) AIRPORT AND AIRWAY TRUST FUND GUAR-  
15   ANTEE.—Section 48114(a)(1)(A) is amended to read as  
16   follows:

17           “(A) IN GENERAL.—The total budget re-  
18           sources made available from the Airport and  
19           Airway Trust Fund each fiscal year through fis-  
20           cal year 2011 pursuant to sections 48101,  
21           48102, 48103, and 106(k) shall—

22           “(i) in each of fiscal years 2008 and  
23           2009, be equal to 95 percent of the esti-  
24           mated level of receipts plus interest cred-

1           ited to the Airport and Airway Trust Fund  
2           for that fiscal year; and

3           “(ii) in each of fiscal years 2010 and  
4           2011, be equal to the sum of—

5                   “(I) 95 percent of the estimated  
6                   level of receipts plus interest credited  
7                   to the Airport and Airway Trust  
8                   Fund for that fiscal year; and

9                   “(II) the actual level of receipts  
10                  plus interest credited to the Airport  
11                  and Airway Trust Fund for the sec-  
12                  ond preceding fiscal year minus the  
13                  total amount made available for obli-  
14                  gation from the Airport and Airway  
15                  Trust Fund for the second preceding  
16                  fiscal year.

17           Such amounts may be used only for aviation in-  
18           vestment programs listed in subsection (b).”.

19           (b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-  
20   TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)  
21   is amended by striking “2007” and inserting “2011”.

22           (c) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-  
23   EST DEFINED.—Section 48114(b)(2) is amended—

24                   (1) in the paragraph heading by striking  
25                   “LEVEL” and inserting “ESTIMATED LEVEL”; and

1           (2) by striking “level of receipts plus interest”  
2           and inserting “estimated level of receipts plus inter-  
3           est”.

4           (d) ENFORCEMENT OF GUARANTEES.—Section  
5 48114(c)(2) is amended by striking “2007” and inserting  
6 “2011”.

7           **Subtitle B—Passenger Facility**  
8                               **Charges**

9           **SEC. 111. PFC AUTHORITY.**

10          (a) PFC DEFINED.—Section 40117(a)(5) is amend-  
11 ed to read as follows:

12               “(5) PASSENGER FACILITY CHARGE.—The term  
13           ‘passenger facility charge’ means a charge or fee im-  
14           posed under this section.”.

15          (b) INCREASE IN PFC MAXIMUM LEVEL.—Section  
16 40117(b)(4) is amended by striking “\$4.00 or \$4.50” and  
17 inserting “\$4.00, \$4.50, \$5.00, \$6.00, or \$7.00”.

18          (c) PILOT PROGRAM FOR PFC AT NONHUB AIR-  
19 PORTS.—Section 40117(l) is amended—

20               (1) by striking paragraph (7); and

21               (2) by redesignating paragraph (8) as para-  
22 graph (7).

23          (d) CORRECTION OF REFERENCES.—

24               (1) SECTION 40117.—Section 40117 is amend-  
25 ed—

1 (A) in the section heading by striking  
2 “**fees**” and inserting “**charges**”;

3 (B) in the heading for subsection (e) by  
4 striking “FEES” and inserting “CHARGES”;

5 (C) in the heading for subsection (l) by  
6 striking “FEE” and inserting “CHARGE”;

7 (D) in the heading for paragraph (5) of  
8 subsection (l) by striking “FEE” and inserting  
9 “CHARGE”;

10 (E) in the heading for subsection (m) by  
11 striking “FEES” and inserting “CHARGES”;

12 (F) in the heading for paragraph (1) of  
13 subsection (m) by striking “FEES” and insert-  
14 ing “CHARGES”;

15 (G) by striking “fee” each place it appears  
16 (other than the second sentence of subsection  
17 (g)(4)) and inserting “charge”; and

18 (H) by striking “fees” each place it ap-  
19 pears and inserting “charges”.

20 (2) OTHER REFERENCES.—Subtitle VII is  
21 amended by striking “fee” and inserting “charge”  
22 each place it appears in each of the following sec-  
23 tions:

24 (A) Section 47106(f)(1).

25 (B) Section 47110(e)(5).

1 (C) Section 47114(f).

2 (D) Section 47134(g)(1).

3 (E) Section 47139(b).

4 (F) Section 47524(e).

5 (G) Section 47526(2).

6 **SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.**

7 (a) IN GENERAL.—Section 40117(a)(3) is amended  
8 by adding at the end the following:

9 “(H) A project to construct secure bicycle  
10 storage facilities that are to be used by pas-  
11 sengers at the airport and that are in compli-  
12 ance with applicable security standards.”.

13 (b) REPORT TO CONGRESS.—Not later than one year  
14 after the date of enactment of this Act, the Administrator  
15 of the Federal Aviation Administration shall submit to  
16 Congress a report on the progress being made by airports  
17 to install bicycle parking for airport customers and airport  
18 employees.

19 **SEC. 113. NOISE COMPATIBILITY PROJECTS.**

20 Section 40117(b) is amended by adding at the end  
21 the following:

22 “(7) NOISE MITIGATION FOR CERTAIN  
23 SCHOOLS.—

24 “(A) IN GENERAL.—In addition to the  
25 uses specified in paragraphs (1), (4), and (6),

1           the Secretary may authorize a passenger facility  
2           charge imposed under paragraph (1) or (4) at  
3           a large hub airport that is the subject of an  
4           amended judgment and final order in con-  
5           demnation filed on January 7, 1980, by the Su-  
6           perior Court of the State of California for the  
7           county of Los Angeles, to be used for a project  
8           to carry out noise mitigation for a building, or  
9           for the replacement of a relocatable building  
10          with a permanent building, in the noise im-  
11          pacted area surrounding the airport at which  
12          such building is used primarily for educational  
13          purposes, notwithstanding the air easement  
14          granted or any terms to the contrary in such  
15          judgment and final order, if—

16               “(i) the Secretary determines that the  
17               building is adversely affected by airport  
18               noise;

19               “(ii) the building is owned or char-  
20               tered by the school district that was the  
21               plaintiff in case number 986,442 or  
22               986,446, which was resolved by such judg-  
23               ment and final order;

24               “(iii) the project is for a school identi-  
25               fied in one of the settlement agreements



1 effective February 16, 2005, between the  
2 airport and each of the school districts;

3 “(iv) in the case of a project to re-  
4 place a relocatable building with a perma-  
5 nent building, the eligible project costs are  
6 limited to the actual structural construc-  
7 tion costs necessary to mitigate aircraft  
8 noise in instructional classrooms to an in-  
9 terior noise level meeting current stand-  
10 ards of the Federal Aviation Administra-  
11 tion; and

12 “(v) the project otherwise meets the  
13 requirements of this section for authoriza-  
14 tion of a passenger facility charge.

15 “(B) ELIGIBLE PROJECT COSTS.—In sub-  
16 paragraph (A)(iv), the term ‘eligible project  
17 costs’ means the difference between the cost of  
18 standard school construction and the cost of  
19 construction necessary to mitigate classroom  
20 noise to the standards of the Federal Aviation  
21 Administration.”.

22 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**  
23 **PROGRAM.**

24 Section 40117 is amended by adding at the end the  
25 following:

1       “(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR  
2 INTERMODAL GROUND ACCESS PROJECTS.—

3           “(1) PFC ELIGIBILITY.—Subject to the require-  
4 ments of this subsection, the Secretary shall estab-  
5 lish a pilot program under which the Secretary may  
6 authorize, at no more than 5 airports, a passenger  
7 facility charge imposed under subsection (b)(1) or  
8 (b)(4) to be used to finance the eligible cost of an  
9 intermodal ground access project.

10          “(2) INTERMODAL GROUND ACCESS PROJECT  
11 DEFINED.—In this section, the term ‘intermodal  
12 ground access project’ means a project for con-  
13 structing a local facility owned or operated by an eli-  
14 gible agency that is directly and substantially related  
15 to the movement of passengers or property traveling  
16 in air transportation.

17          “(3) ELIGIBLE COSTS.—

18           “(A) IN GENERAL.—For purposes of para-  
19 graph (1), the eligible cost of an intermodal  
20 ground access project shall be the total cost of  
21 the project multiplied by the ratio that—

22                   “(i) the number of individuals pro-  
23 jected to use the project to gain access to  
24 or depart from the airport; bears to

1 “(ii) the total number of the individ-  
2 uals projected to use the facility.

3 “(B) DETERMINATIONS REGARDING PRO-  
4 JECTED PROJECT USE.—

5 “(i) IN GENERAL.—Except as pro-  
6 vided by clause (ii), the Secretary shall de-  
7 termine the projected use of a project for  
8 purposes of subparagraph (A) at the time  
9 the project is approved under this sub-  
10 section.

11 “(ii) PUBLIC TRANSPORTATION  
12 PROJECTS.—In the case of a project ap-  
13 proved under this section to be financed in  
14 part using funds administered by the Fed-  
15 eral Transit Administration, the Secretary  
16 shall use the travel forecasting model for  
17 the project at the time such project is ap-  
18 proved by the Federal Transit Administra-  
19 tion to enter preliminary engineering to de-  
20 termine the projected use of the project for  
21 purposes of subparagraph (A).”.

1   **SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING**  
2                   **CONNECTING PASSENGERS.**

3       (a) STUDY.—Not later than 90 days after the date  
4 of enactment of this Act, the Secretary of Transportation  
5 shall initiate a study to evaluate—

6           (1) the impacts on airports of accommodating  
7 connecting passengers; and

8           (2) the treatment of airports at which the ma-  
9 jority of passengers are connecting passengers under  
10 the passenger facility charge program authorized by  
11 section 40117 of title 49, United States Code.

12       (b) CONTENTS OF STUDY.—In conducting the study,  
13 the Secretary shall review, at a minimum, the following:

14           (1) the differences in facility needs, and the  
15 costs for constructing, maintaining, and operating  
16 those facilities, for airports at which the majority of  
17 passengers are connecting passengers as compared  
18 to airports at which the majority of passengers are  
19 originating and destination passengers;

20           (2) whether the costs to an airport of accommo-  
21 dating additional connecting passengers differs from  
22 the cost of accommodating additional originating  
23 and destination passengers;

24           (3) for each airport charging a passenger facil-  
25 ity charge, the percentage of passenger facility  
26 charge revenue attributable to connecting passengers

1 and the percentage of such revenue attributable to  
2 originating and destination passengers;

3 (4) the potential effects on airport revenues of  
4 requiring airports to charge different levels of pas-  
5 senger facility charges on connecting passengers and  
6 originating and destination passengers; and

7 (5) the added costs to air carriers of collecting  
8 passenger facility charges under a system in which  
9 different levels of passenger facility charges are im-  
10 posed on connecting passengers and originating and  
11 destination passengers.

12 (c) REPORT TO CONGRESS.—

13 (1) IN GENERAL.—Not later than one year  
14 after the date of initiation of the study, the Sec-  
15 retary shall submit to Congress a report on the re-  
16 sults of the study.

17 (2) CONTENTS.—The report shall include—

18 (A) the findings of the Secretary on each  
19 of the subjects listed in subsection (b); and

20 (B) recommendations, if any, of the Sec-  
21 retary based on the results of the study for any  
22 changes to the passenger facility charge pro-  
23 gram, including recommendations as to whether  
24 different levels of passenger facility charges

1           should be imposed on connecting passengers  
2           and originating and destination passengers.

### 3   **Subtitle C—Fees for FAA Services**

#### 4   **SEC. 121. UPDATE ON OVERFLIGHTS.**

5       (a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

6   Section 45301(b) is amended to read as follows:

7       “(b) ESTABLISHMENT AND ADJUSTMENT OF  
8   FEES.—

9           “(1) IN GENERAL.—In establishing and adjust-  
10   ing fees under subsection (a), the Administrator  
11   shall ensure that the fees are reasonably related to  
12   the Administration’s costs, as determined by the Ad-  
13   ministrator, of providing the services rendered. Serv-  
14   ices for which costs may be recovered include the  
15   costs of air traffic control, navigation, weather serv-  
16   ices, training, and emergency services which are  
17   available to facilitate safe transportation over the  
18   United States and the costs of other services pro-  
19   vided by the Administrator, or by programs financed  
20   by the Administrator, to flights that neither take off  
21   nor land in the United States. The determination of  
22   such costs by the Administrator, and the allocation  
23   of such costs by the Administrator to services pro-  
24   vided, are not subject to judicial review.

1           “(2) ADJUSTMENT OF FEES.—The Adminis-  
2       trator shall adjust the overflight fees established by  
3       subsection (a)(1) by expedited rulemaking and begin  
4       collections under the adjusted fees by October 1,  
5       2008. In developing the adjusted overflight fees, the  
6       Administrator may seek and consider the rec-  
7       ommendations offered by an aviation rulemaking  
8       committee for overflight fees that are provided to  
9       the Administrator by June 1, 2008, and are in-  
10      tended to ensure that overflight fees are reasonably  
11      related to the Administrator’s costs of providing air  
12      traffic control and related services to overflights.

13           “(3) AIRCRAFT ALTITUDE.—Nothing in this  
14      section shall require the Administrator to take into  
15      account aircraft altitude in establishing any fee for  
16      aircraft operations in en route or oceanic airspace.

17           “(4) COSTS DEFINED.—In this subsection, the  
18      term ‘costs’ includes those costs associated with the  
19      operation, maintenance, leasing costs, and overhead  
20      expenses of the services provided and the facilities  
21      and equipment used in such services, including the  
22      projected costs for the period during which the serv-  
23      ices will be provided.

24           “(5) PUBLICATION; COMMENT.—The Adminis-  
25      trator shall publish in the Federal Register any fee

1 schedule under this section, including any adjusted  
2 overflight fee schedule, and the associated collection  
3 process as an interim final rule, pursuant to which  
4 public comment will be sought and a final rule  
5 issued.”.

6 (b) ADJUSTMENTS.—Section 45301 is amended by  
7 adding at the end the following:

8 “(e) ADJUSTMENTS.—In addition to adjustments  
9 under subsection (b), the Administrator may periodically  
10 adjust the fees established under this section.”.

11 **SEC. 122. REGISTRATION FEES.**

12 (a) IN GENERAL.—Chapter 453 is amended by add-  
13 ing at the end the following:

14 **“§ 45305. Registration, certification, and related fees**

15 “(a) GENERAL AUTHORITY AND FEES.—The Admin-  
16 istrator of the Federal Aviation Administration shall es-  
17 tablish the following fees for services and activities of the  
18 Administration:

19 “(1) \$130 for registering an aircraft.

20 “(2) \$45 for replacing an aircraft registration.

21 “(3) \$130 for issuing an original dealer’s air-  
22 craft certificate.

23 “(4) \$105 for issuing an aircraft certificate  
24 (other than an original dealer’s aircraft certificate).



1           “(5) \$80 for issuing a special registration num-  
2       ber.

3           “(6) \$50 for issuing a renewal of a special reg-  
4       istration number.

5           “(7) \$130 for recording a security interest in  
6       an aircraft or aircraft part.

7           “(8) \$50 for issuing an airman certificate.

8           “(9) \$25 for issuing a replacement airman cer-  
9       tificate.

10          “(10) \$42 for issuing an airman medical certifi-  
11       cate.

12          “(11) \$100 for providing a legal opinion per-  
13       taining to aircraft registration or recordation.

14       “(b) FEES CREDITED AS OFFSETTING COLLEC-  
15   TIONS.—

16          “(1) IN GENERAL.—Notwithstanding section  
17       3302 of title 31, any fee authorized to be collected  
18       under this section shall, subject to appropriation  
19       made in advance—

20               “(A) be credited as offsetting collections to  
21       the account that finances the activities and  
22       services for which the fee is imposed;

23               “(B) be available for expenditure only to  
24       pay the costs of activities and services for which  
25       the fee is imposed; and

1 “(C) remain available until expended.

2 “(2) CONTINUING APPROPRIATIONS.—The Ad-  
3 ministrator may continue to assess, collect, and  
4 spend fees established under this section during any  
5 period in which the funding for the Federal Aviation  
6 Administration is provided under an Act providing  
7 continuing appropriations in lieu of the Administra-  
8 tion’s regular appropriations.

9 “(3) ADJUSTMENTS.—The Administrator shall  
10 periodically adjust the fees established by subsection  
11 (a) when cost data from the cost accounting system  
12 developed pursuant to section 45303(e) reveal that  
13 the cost of providing the service is higher or lower  
14 than the cost data that were used to establish the  
15 fee then in effect.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-  
17 ter 453 is amended by adding at the end the following:

“45305. Registration, certification, and related fees.”.

18 (c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR  
19 TRANSPORTATION.—Section 45302(e) is amended—

20 (1) by striking “A fee” and inserting the fol-  
21 lowing:

22 “(1) IN GENERAL.—A fee”; and

23 (2) by adding at the end the following:

24 “(2) EFFECT OF IMPOSITION OF OTHER  
25 FEES.—A fee may not be imposed for a service or

1 activity under this section during any period in  
2 which a fee for the same service or activity is im-  
3 posed under section 45305.”.

## 4 **Subtitle D—AIP Modifications**

### 5 **SEC. 131. AMENDMENTS TO AIP DEFINITIONS.**

6 (a) AIRPORT DEVELOPMENT.—Section 47102(3) is  
7 amended—

8 (1) in subparagraph (B)(iv) by striking “20”  
9 and inserting “9”; and

10 (2) by adding at the end the following:

11 “(M) construction of mobile refueler park-  
12 ing within a fuel farm at a nonprimary airport  
13 meeting the requirements of section 112.8 of  
14 title 40, Code of Federal Regulations.

15 “(N) terminal development under section  
16 47119(a).

17 “(O) acquiring and installing facilities and  
18 equipment to provide air conditioning, heating,  
19 or electric power from terminal-based, non-ex-  
20 clusive use facilities to aircraft parked at a pub-  
21 lic use airport for the purpose of reducing en-  
22 ergy use or harmful emissions as compared to  
23 the provision of such air conditioning, heating,  
24 or electric power from aircraft-based systems.”.

1 (b) AIRPORT PLANNING.—Section 47102(5) is  
2 amended by inserting before the period at the end the fol-  
3 lowing: “and developing an environmental management  
4 system”.

5 (c) GENERAL AVIATION AIRPORT.—Section 47102 is  
6 amended—

7 (1) by redesignating paragraphs (23) through  
8 (25) as paragraphs (25) through (27), respectively;

9 (2) by redesignating paragraphs (8) through  
10 (22) as paragraphs (9) through (23), respectively;  
11 and

12 (3) by inserting after paragraph (7) the fol-  
13 lowing:

14 “(8) ‘general aviation airport’ means a public  
15 airport that is located in a State and that, as deter-  
16 mined by the Secretary—

17 “(A) does not have scheduled service; or

18 “(B) has scheduled service with less than  
19 2,500 passenger boardings each year.”.

20 (d) REVENUE PRODUCING AERONAUTICAL SUPPORT  
21 FACILITIES.—Section 47102 is amended by inserting  
22 after paragraph (23) (as redesignated by subsection (c)(2)  
23 of this section) the following:

24 “(24) ‘revenue producing aeronautical support  
25 facilities’ means fuel farms, hangar buildings, self-

1 service credit card aeronautical fueling systems, air-  
2 plane wash racks, major rehabilitation of a hangar  
3 owned by a sponsor, or other aeronautical support  
4 facilities that the Secretary determines will increase  
5 the revenue producing ability of the airport.”.

6 (e) **TERMINAL DEVELOPMENT.**—Section 47102 is  
7 further amended by adding at the end the following:

8 “(28) ‘terminal development’ means—

9 “(A) development of—

10 “(i) an airport passenger terminal  
11 building, including terminal gates;

12 “(ii) access roads servicing exclusively  
13 airport traffic that leads directly to or  
14 from an airport passenger terminal build-  
15 ing; and

16 “(iii) walkways that lead directly to or  
17 from an airport passenger terminal build-  
18 ing; and

19 “(B) the cost of a vehicle described in sec-  
20 tion 47119(a)(1)(B).”.

21 **SEC. 132. AMENDMENTS TO GRANT ASSURANCES.**

22 (a) **GENERAL WRITTEN ASSURANCES.**—Section  
23 47107(a)(16)(D)(ii) is amended by inserting before the  
24 semicolon at the end the following: “, except in the case

1 of a relocation or replacement of an existing airport facil-  
2 ity that meets the conditions of section 47110(d)”.

3 (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

4 (1) USE OF PROCEEDS.—Section  
5 47107(c)(2)(A)(iii) is amended by striking “paid to  
6 the Secretary” and all that follows before the semi-  
7 colon and inserting “reinvested in another project at  
8 the airport or transferred to another airport as the  
9 Secretary prescribes under paragraph (4)”.

10 (2) ELIGIBLE PROJECTS.—Section 47107(c) is  
11 amended by adding at the end the following:

12 “(4) PRIORITIES FOR REINVESTMENT.—In ap-  
13 proving the reinvestment or transfer of proceeds  
14 under subsection (c)(2)(A)(iii), the Secretary shall  
15 give preference, in descending order, to the following  
16 actions:

17 “(A) Reinvestment in an approved noise  
18 compatibility project.

19 “(B) Reinvestment in an approved project  
20 that is eligible for funding under section  
21 47117(e).

22 “(C) Reinvestment in an approved airport  
23 development project that is eligible for funding  
24 under sections 47114, 47115, or 47117.

1           “(D) Transfer to a sponsor of another  
2           public airport to be reinvested in an approved  
3           noise compatibility project at such airport.

4           “(E) Payment to the Secretary for deposit  
5           in the Airport and Airway Trust Fund.”.

6       (c)           CLERICAL           AMENDMENT.—Section  
7   47107(c)(2)(B)(iii) is amended by striking “the Fund”  
8   and inserting “the Airport and Airway Trust Fund estab-  
9   lished under section 9502 of the Internal Revenue Code  
10   of 1986 (26 U.S.C. 9502)”.

11   **SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.**

12       Section 47109 is amended—

13           (1) in subsection (a) by striking “provided in  
14       subsection (b) or subsection (c) of this section” and  
15       inserting “otherwise specifically provided in this sec-  
16       tion”; and

17           (2) by adding at the end the following:

18       “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
19   HUB TO MEDIUM HUB STATUS.—If the status of a small  
20   hub airport changes to a medium hub airport, the Govern-  
21   ment’s share of allowable project costs for the airport may  
22   not exceed 90 percent for the first 2 fiscal years following  
23   such change in hub status.

24       “(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED  
25   COMMUNITIES.—The Government’s share of allowable

1 project costs shall be 95 percent for a project at an airport  
2 that—

3 “(1) is receiving subsidized air service under  
4 subchapter II of chapter 417; and

5 “(2) is located in an area that meets one or  
6 more of the criteria established in section 301(a) of  
7 the Public Works and Economic Development Act of  
8 1965 (42 U.S.C. 3161(a)), as determined by the  
9 Secretary of Commerce.”.

10 **SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.**

11 (a) ALLOWABLE PROJECT COSTS.—Section  
12 47110(b)(2) is amended—

13 (1) by striking “or” at the end of subparagraph  
14 (C);

15 (2) by striking the semicolon at the end of sub-  
16 paragraph (D) and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(E) if the cost is for airport development and  
19 is incurred before execution of the grant agreement,  
20 but in the same fiscal year as execution of the grant  
21 agreement, and if—

22 “(i) the cost was incurred before execution  
23 of the grant agreement due to the short con-  
24 struction season in the vicinity of the airport;



1 “(ii) the cost is in accordance with an air-  
2 port layout plan approved by the Secretary and  
3 with all statutory and administrative require-  
4 ments that would have been applicable to the  
5 project if the project had been carried out after  
6 execution of the grant agreement;

7 “(iii) the sponsor notifies the Secretary be-  
8 fore authorizing work to commence on the  
9 project; and

10 “(iv) the sponsor’s decision to proceed with  
11 the project in advance of execution of the grant  
12 agreement does not affect the priority assigned  
13 to the project by the Secretary for the alloca-  
14 tion of discretionary funds;”.

15 (b) RELOCATION OF AIRPORT-OWNED FACILITIES.—  
16 Section 47110(d) is amended to read as follows:

17 “(d) RELOCATION OF AIRPORT-OWNED FACILI-  
18 TIES.—The Secretary may determine that the costs of re-  
19 locating or replacing an airport-owned facility are allow-  
20 able for an airport development project at an airport only  
21 if—

22 “(1) the Government’s share of such costs will  
23 be paid with funds apportioned to the airport spon-  
24 sor under section 47114(c)(1) or 47114(d);

1 “(2) the Secretary determines that the reloca-  
2 tion or replacement is required due to a change in  
3 the Secretary’s design standards; and

4 “(3) the Secretary determines that the change  
5 is beyond the control of the airport sponsor.”.

6 (c) NONPRIMARY AIRPORTS.—Section 47110(h) is  
7 amended—

8 (1) by inserting “construction of” before “rev-  
9 enue producing”; and

10 (2) by striking “, including fuel farms and  
11 hangars,”.

12 **SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIR-**  
13 **PORT CONCESSIONS UNDER DISADVAN-**  
14 **TAGED BUSINESS ENTERPRISE PROGRAM.**

15 (a) IN GENERAL.—Section 47107(e) is amended—

16 (1) by redesignating paragraph (8) as para-  
17 graph (9); and

18 (2) by inserting after paragraph (7) the fol-  
19 lowing:

20 “(8) MANDATORY TRAINING PROGRAM FOR AIR-  
21 PORT CONCESSIONS.—

22 “(A) IN GENERAL.—Not later than one  
23 year after the date of enactment of the FAA  
24 Reauthorization Act of 2007, the Secretary  
25 shall establish a mandatory training program

1 for persons described in subparagraph (C) on  
2 the certification of whether a small business  
3 concern in airport concessions qualifies as a  
4 small business concern owned and controlled by  
5 a socially and economically disadvantaged indi-  
6 vidual for purposes of paragraph (1).

7 “(B) IMPLEMENTATION.—The training  
8 program may be implemented by one or more  
9 private entities approved by the Secretary.

10 “(C) PARTICIPANTS.—A person referred to  
11 in paragraph (1) is an official or agent of an  
12 airport owner or operator who is required to  
13 provide a written assurance under paragraph  
14 (1) that the airport owner or operator will meet  
15 the percentage goal of paragraph (1) or who is  
16 responsible for determining whether or not a  
17 small business concern in airport concessions  
18 qualifies as a small business concern owned and  
19 controlled by a socially and economically dis-  
20 advantaged individual for purposes of para-  
21 graph (1).

22 “(D) AUTHORIZATION OF APPROPRIA-  
23 TIONS.—There are authorized to be appro-  
24 priated such sums as may be necessary to carry  
25 out this paragraph.”.

1 (b) REPORT.—Not later than 24 months after the  
2 date of enactment of this Act, the Secretary shall submit  
3 to the Committee on Transportation and Infrastructure  
4 of the House of Representatives, the Committee on Com-  
5 merce, Science, and Transportation of the Senate, and  
6 other appropriate committees of Congress a report on the  
7 results of the training program conducted under the  
8 amendment made by subsection (a).

9 **SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS**  
10 **OWNED AND CONTROLLED BY DISABLED**  
11 **VETERANS.**

12 Section 47112(c) is amended by adding at the end  
13 the following:

14 “(3) A contract involving labor for carrying out an  
15 airport development project under a grant agreement  
16 under this subchapter must require that a preference be  
17 given to the use of small business concerns (as defined  
18 in section 3 of the Small Business Act (15 U.S.C. 1632))  
19 owned and controlled by disabled veterans.”.

20 **SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.**

21 Section 47114(d) is amended—

22 (1) in paragraph (2)—

23 (A) by striking “Except as provided in  
24 paragraph (3), the Secretary” and inserting  
25 “The Secretary”; and

1 (B) by striking “18.5 percent” and insert-  
2 ing “10 percent”; and  
3 (2) by striking paragraph (3) and inserting the  
4 following:

5 “(3) ADDITIONAL AMOUNT.—

6 “(A) IN GENERAL.—In addition to  
7 amounts apportioned under paragraph (2) and  
8 subject to subparagraph (B), the Secretary  
9 shall apportion to each airport, excluding pri-  
10 mary airports but including reliever and nonpri-  
11 mary commercial service airports, in States the  
12 lesser of—

13 “(i) \$150,000; or

14 “(ii) 1/5 of the most recently pub-  
15 lished estimate of the 5-year costs for air-  
16 port improvement for the airport, as listed  
17 in the national plan of integrated airport  
18 systems developed by the Federal Aviation  
19 Administration under section 47103.

20 “(B) REDUCTION.—In any fiscal year in  
21 which the total amount made available for ap-  
22 portionment under paragraph (2) is less than  
23 \$300,000,000, the Secretary shall reduce, on a  
24 prorated basis, the amount to be apportioned  
25 under subparagraph (A) and make such reduc-

1           tion available to be apportioned under para-  
2           graph (2), so as to apportion under paragraph  
3           (2) a minimum of \$300,000,000.”.

4 **SEC. 138. REDUCING APPORTIONMENTS.**

5       Section 47114(f)(1) is amended—

6           (1) by striking “and” at the end of subpara-  
7       graph (A);

8           (2) in subparagraph (B)—

9               (A) by inserting “except as provided by  
10       subparagraph (C),” before “in the case”; and

11               (B) by striking the period at the end and  
12       inserting “; and”; and

13       (3) by adding at the end the following:

14               “(C) in the case of a charge of more than  
15       \$4.50 imposed by the sponsor of an airport en-  
16       planing at least one percent of the total number  
17       of boardings each year in the United States,  
18       100 percent of the projected revenues from the  
19       charge in the fiscal year but not more than 100  
20       percent of the amount that otherwise would be  
21       apportioned under this section.”.

22 **SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.**

23       Section 47115(g)(1) is amended by striking “sum  
24 of—” and all that follows through the period at the end

1 of subparagraph (B) and inserting “sum of  
2 \$520,000,000.”.

3 **SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

4 Section 47115(j) is amended by striking “fiscal years  
5 2004 through 2007” and inserting “fiscal years 2008  
6 through 2011”.

7 **SEC. 141. USE OF APPORTIONED AMOUNTS.**

8 Section 47117(e)(1)(A) is amended—

9 (1) in the first sentence—

10 (A) by striking “35 percent” and inserting  
11 “\$300,000,000”;

12 (B) by striking “and” after “47141,”; and

13 (C) by inserting before the period at the  
14 end the following: “, and for water quality miti-  
15 gation projects to comply with the Federal  
16 Water Pollution Control Act (33 U.S.C. 1251  
17 et. seq.) as approved in an environmental  
18 record of decision for an airport development  
19 project under this title”; and

20 (2) in the second sentence by striking “such 35  
21 percent requirement is” and inserting “the require-  
22 ments of the preceding sentence are”.

23 **SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

24 (a) IN GENERAL.—Section 47133(b) is amended—

1 (1) by striking “Subsection (a) shall not apply  
2 if” and inserting the following:

3 “(1) PRIOR LAWS AND AGREEMENTS.—Sub-  
4 section (a) shall not apply if”; and

5 (2) by adding at the end the following:

6 “(2) SALE OF PRIVATE AIRPORT TO PUBLIC  
7 SPONSOR.—In the case of a privately owned airport,  
8 subsection (a) shall not apply to the proceeds from  
9 the sale of the airport to a public sponsor if—

10 “(A) the sale is approved by the Secretary;

11 “(B) funding is provided under this sub-  
12 title for any portion of the public sponsor’s ac-  
13 quisition of airport land; and

14 “(C) an amount equal to the remaining  
15 unamortized portion of any airport improve-  
16 ment grant made to that airport for purposes  
17 other than land acquisition, amortized over a  
18 20-year period, plus an amount equal to the  
19 Federal share of the current fair market value  
20 of any land acquired with an airport improve-  
21 ment grant made to that airport, is repaid to  
22 the Secretary by the private owner.

23 “(3) TREATMENT OF REPAYMENTS.—Repay-  
24 ments referred to in paragraph (2)(C) shall be treat-  
25 ed as a recovery of prior year obligations.”.



1 (b) APPLICABILITY TO GRANTS.—The amendments  
2 made by subsection (a) shall apply to grants issued on  
3 or after October 1, 1996.

4 **SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.**

5 (a) APPROVAL REQUIREMENTS.—Section 47134 is  
6 amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii),  
7 (c)(4)(A), and (c)(4)(B) by striking “65 percent” each  
8 place it appears and inserting “75 percent”.

9 (b) PROHIBITION ON RECEIPT OF FUNDS.—

10 (1) SECTION 47134.—Section 47134 is amended  
11 by adding at the end the following:

12 “(n) PROHIBITION ON RECEIPT OF CERTAIN  
13 FUNDS.—An airport receiving an exemption under sub-  
14 section (b) shall be prohibited from receiving apportion-  
15 ments under section 47114 or discretionary funds under  
16 section 47115.”.

17 (2) CONFORMING AMENDMENTS.—Section  
18 47134(g) is amended—

19 (A) in the subsection heading by striking  
20 “APPORTIONMENTS;”;

21 (B) in paragraph (1) by striking the semi-  
22 colon at the end and inserting “; or”;

23 (C) by striking paragraph (2); and

24 (D) by redesignating paragraph (3) as  
25 paragraph (2).

1 (c) FEDERAL SHARE OF PROJECT COSTS.—Section  
2 47109(a) is amended—

3 (1) by striking the semicolon at the end of  
4 paragraph (3) and inserting “; and”;

5 (2) by striking paragraph (4); and

6 (3) by redesignating paragraph (5) as para-  
7 graph (4).

8 **SEC. 144. AIRPORT SECURITY PROGRAM.**

9 Section 47137(g) is amended by striking  
10 “\$5,000,000” and inserting “\$8,500,000”.

11 **SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**  
12 **AIRPORT DEVELOPMENT RIGHTS.**

13 Section 47138 is amended by adding at the end the  
14 following:

15 “(f) SUNSET.—This section shall not be in effect  
16 after September 30, 2007.”.

17 **SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
18 **IBLE LAND USE PLANNING AND PROJECTS**  
19 **BY STATE AND LOCAL GOVERNMENTS.**

20 Section 47141(f) is amended by striking “September  
21 30, 2007” and inserting “September 30, 2011”.

22 **SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN**  
23 **WASHINGTON AIRPORTS AUTHORITY.**

24 Section 49108, and the item relating to such section  
25 in the analysis for chapter 491, are repealed.

1   **SEC. 148. MIDWAY ISLAND AIRPORT.**

2       Section 186(d) of the Vision 100—Century of Avia-  
3   tion Reauthorization Act (117 Stat. 2518) is amended by  
4   striking “October 1, 2007” and inserting “October 1,  
5   2011”.

6   **SEC. 149. MISCELLANEOUS AMENDMENTS.**

7       (a) **TECHNICAL CHANGES TO NATIONAL PLAN OF**  
8   **INTEGRATED AIRPORT SYSTEMS.**—Section 47103 is  
9   amended—

10       (1) in subsection (a)—

11           (A) by striking “each airport to—” and in-  
12       serting “the airport system to—”;

13           (B) in paragraph (1) by striking “system  
14       in the particular area;” and inserting “system,  
15       including connection to the surface transpor-  
16       tation network; and”;

17           (C) in paragraph (2) by striking “; and”  
18       and inserting a period; and

19           (D) by striking paragraph (3);

20       (2) in subsection (b)—

21           (A) in paragraph (1) by striking the semi-  
22       colon and inserting “; and”;

23           (B) by striking paragraph (2) and redesign-  
24       ating paragraph (3) as paragraph (2); and

25           (C) in paragraph (2) (as so redesignated)  
26       by striking “, Short Takeoff and Landing/Very

1 Short Takeoff and Landing aircraft oper-  
2 ations,”; and

3 (3) in subsection (d) by striking “status of  
4 the”.

5 (b) UPDATE VETERANS PREFERENCE DEFINI-  
6 TION.—Section 47112(c) is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (B) by striking “sepa-  
9 rated from” and inserting “discharged or re-  
10 leased from active duty in”; and

11 (B) by adding at the end the following:

12 “(C) ‘Afghanistan-Iraq war veteran’ means an  
13 individual who served on active duty (as defined by  
14 section 101 of title 38) in the armed forces for a pe-  
15 riod of more than 180 consecutive days, any part of  
16 which occurred during the period beginning on Sep-  
17 tember 11, 2001, and ending on the date prescribed  
18 by presidential proclamation or by law as the last  
19 date of Operation Iraqi Freedom, and who was sepa-  
20 rated from the armed forces under honorable condi-  
21 tions.”; and

22 (2) in paragraph (2) by striking “veterans and”  
23 and inserting “veterans, Afghanistan-Iraq war vet-  
24 erans, and”.

1 (c) CONSOLIDATION OF TERMINAL DEVELOPMENT

2 PROVISIONS.—Section 47119 is amended—

3 (1) by redesignating subsections (a), (b), (c)  
4 and (d) as subsections (b), (c), (d) and (e), respec-  
5 tively; and

6 (2) by inserting before subsection (b) (as so re-  
7 designated) the following:

8 “(a) TERMINAL DEVELOPMENT PROJECTS.—

9 “(1) IN GENERAL.—The Secretary may approve  
10 a project for terminal development (including  
11 multimodal terminal development) in a nonrevenue-  
12 producing public-use area of a commercial service  
13 airport—

14 “(A) if the sponsor certifies that the air-  
15 port, on the date the grant application is sub-  
16 mitted to the Secretary, has—

17 “(i) all the safety equipment required  
18 for certification of the airport under sec-  
19 tion 44706;

20 “(ii) all the security equipment re-  
21 quired by regulation; and

22 “(iii) provided for access by pas-  
23 sengers to the area of the airport for  
24 boarding or exiting aircraft that are not  
25 air carrier aircraft;

1           “(B) if the cost is directly related to mov-  
2           ing passengers and baggage in air commerce  
3           within the airport, including vehicles for moving  
4           passengers between terminal facilities and be-  
5           tween terminal facilities and aircraft; and

6           “(C) under terms necessary to protect the  
7           interests of the Government.

8           “(2) PROJECT IN REVENUE-PRODUCING AREAS  
9           AND NONREVENUE-PRODUCING PARKING LOTS.—In  
10          making a decision under paragraph (1), the Sec-  
11          retary may approve as allowable costs the expenses  
12          of terminal development in a revenue-producing area  
13          and construction, reconstruction, repair, and im-  
14          provement in a nonrevenue-producing parking lot  
15          if—

16               “(A) except as provided in section  
17               47108(e)(3), the airport does not have more  
18               than .05 percent of the total annual passenger  
19               boardings in the United States; and

20               “(B) the sponsor certifies that any needed  
21               airport development project affecting safety, se-  
22               curity, or capacity will not be deferred because  
23               of the Secretary’s approval.”;

24               (3) in paragraphs (3) and (4)(A) of subsection  
25          (b) (as redesignated by paragraph (1) of this sub-

1 section) by striking “section 47110(d)” and insert-  
2 ing “subsection (a)”; and

3 (4) in paragraph (5) of subsection (b) (as re-  
4 designated by paragraph (1) of this subsection) by  
5 striking “subsection (b)(1) and (2)” and inserting  
6 “subsections (c)(1) and (c)(2)”;

7 (5) in paragraphs (2)(A), (3), and (4) of sub-  
8 section (c) (as redesignated by paragraph (1) of this  
9 subsection) by striking “section 47110(d) of this  
10 title” and inserting “subsection (a)”;

11 (6) in paragraph (2)(B) of subsection (c) (as  
12 redesignated by paragraph (1) of this subsection) by  
13 striking “section 47110(d)” and inserting “sub-  
14 section (a)”;

15 (7) in subsection (c)(5) (as redesignated by  
16 paragraph (1) of this subsection) by striking “sec-  
17 tion 47110(d)” and inserting “subsection (a)”; and

18 (8) by adding at the end the following:

19 “(f) LIMITATION ON DISCRETIONARY FUNDS.—The  
20 Secretary may distribute not more than \$20,000,000 from  
21 the discretionary fund established under section 47115 for  
22 terminal development projects at a nonhub airport or a  
23 small hub airport that is eligible to receive discretionary  
24 funds under section 47108(e)(3).”.

1 (d) ANNUAL REPORT.—Section 47131(a) is amend-  
2 ed—

3 (1) by striking “April 1” and inserting “June  
4 1”; and

5 (2) by striking paragraphs (1), (2), (3), and (4)  
6 and inserting the following:

7 “(1) a summary of airport development and  
8 planning completed;

9 “(2) a summary of individual grants issued;

10 “(3) an accounting of discretionary and appor-  
11 tioned funds allocated;

12 “(4) the allocation of appropriations; and”.

13 (e) CORRECTION TO EMISSION CREDITS PROVI-  
14 SION.—Section 47139 is amended—

15 (1) in subsection (a) by striking  
16 “47102(3)(F),”; and

17 (2) in subsection (b)—

18 (A) by striking “47102(3)(F),”; and

19 (B) by striking “47103(3)(F),”.

20 (f) CONFORMING AMENDMENT TO CIVIL PENALTY  
21 ASSESSMENT AUTHORITY.—Section 46301(d)(2) is  
22 amended by inserting “46319,” after “46318,”.

23 (g) OTHER CONFORMING AMENDMENTS.—Sections  
24 40117(a)(3)(B) and 47108(e)(3) are each amended by



1 striking “section 47110(d)” each place it appears and in-  
2 serting “section 47119(a)”.

3 (h) CORRECTION TO SURPLUS PROPERTY AUTHOR-  
4 ITY.—Section 47151(e) is amended by striking “(other  
5 than real property” and all that follows through “(10  
6 U.S.C. 2687 note))” .

7 (i) AIRPORT CAPACITY BENCHMARK REPORTS.—Sec-  
8 tion 47175(2) is amended by striking “Airport Capacity  
9 Benchmark Report 2001” and inserting “2001 and 2004  
10 Airport Capacity Benchmark Reports or table 1 of the  
11 Federal Aviation Administration’s most recent airport ca-  
12 pacity benchmark report”.

13 **TITLE II—NEXT GENERATION**  
14 **AIR TRANSPORTATION SYS-**  
15 **TEM AND AIR TRAFFIC CON-**  
16 **TROL MODERNIZATION**

17 **SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The United States faces a great national  
20 challenge as the Nation’s aviation infrastructure is  
21 at a crossroads.

22 (2) The demand for aviation services, a critical  
23 element of the United States economy, vital in sup-  
24 porting the quality of life of the people of the United  
25 States, and critical in support of the Nation’s de-

1       fense and national security, is growing at an ever in-  
2       creasing rate. At the same time, the ability of the  
3       United States air transportation system to expand  
4       and change to meet this increasing demand is lim-  
5       ited.

6           (3) The aviation industry accounts for more  
7       than 10,000,000 jobs in the United States and con-  
8       tributes approximately \$900,000,000,000 annually  
9       to the United States gross domestic product.

10          (4) The United States air transportation sys-  
11       tem continues to drive economic growth in the  
12       United States and will continue to be a major eco-  
13       nomic driver as air traffic triples over the next 20  
14       years.

15          (5) The Next Generation Air Transportation  
16       System (in this section referred to as the “NextGen  
17       System”) is the system for achieving long-term  
18       transformation of the United States air transpor-  
19       tation system that focuses on developing and imple-  
20       menting new technologies and that will set the stage  
21       for the long-term development of a scalable and  
22       more flexible air transportation system without com-  
23       promising the unprecedented safety record of United  
24       States aviation.

1           (6) The benefits of the NextGen System, in  
2       terms of promoting economic growth and develop-  
3       ment, are enormous.

4           (7) The NextGen System will guide the path of  
5       the United States air transportation system in the  
6       challenging years ahead.

7       (b) SENSE OF CONGRESS.—It is the sense of Con-  
8       gress that—

9           (1) modernizing the air transportation system  
10      is a national priority and the United States must  
11      make a commitment to revitalizing this essential  
12      component of the Nation's transportation infrastruc-  
13      ture;

14          (2) one fundamental requirement for the suc-  
15      cess of the NextGen System is strong leadership and  
16      sufficient resources;

17          (3) the Joint Planning and Development Office  
18      of the Federal Aviation Administration and the Next  
19      Generation Air Transportation System Senior Policy  
20      Committee, each established by Congress in 2003,  
21      will lead and facilitate this important national mis-  
22      sion to ensure that the programs and capabilities of  
23      the NextGen System are carefully integrated and  
24      aligned;

1           (4) Government agencies and industry must  
2       work together, carefully integrating and aligning  
3       their work to meet the needs of the NextGen System  
4       in the development of budgets, programs, planning,  
5       and research;

6           (5) the Department of Transportation, the Fed-  
7       eral Aviation Administration, the Department of De-  
8       fense, the Department of Homeland Security, the  
9       Department of Commerce, and the National Aero-  
10      nautics and Space Administration must work in co-  
11      operation and make transformational improvements  
12      to the United States air transportation infrastruc-  
13      ture a priority; and

14          (6) due to the critical importance of the  
15      NextGen System to the economic and national secu-  
16      rity of the United States, partner departments and  
17      agencies must be provided with the resources re-  
18      quired to complete the implementation of the  
19      NextGen System.

20   **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**  
21                   **TEM JOINT PLANNING AND DEVELOPMENT**  
22                   **OFFICE.**

23       (a) ESTABLISHMENT.—

24           (1) ASSOCIATE ADMINISTRATOR FOR THE NEXT  
25      GENERATION AIR TRANSPORTATION SYSTEM.—Sec-

tion 709(a) of Vision 100—Century of Aviation Re-  
authorization Act (49 U.S.C. 40101 note; 117 Stat.  
2582) is amended—

(A) by redesignating paragraphs (2), (3),  
and (4) as paragraphs (3), (4), and (5), respec-  
tively; and

(B) by inserting after paragraph (1) the  
following:

“(2) The director of the Office shall be the Associate  
Administrator for the Next Generation Air Transportation  
System, who shall be appointed by the Administrator of  
the Federal Aviation Administration. The Associate Ad-  
ministrator shall report to the Administrator.”.

(2) RESPONSIBILITIES.—Section 709(a)(3) of  
such Act (as redesignated by paragraph (1) of this  
subsection) is amended—

(A) in subparagraph (G) by striking “;  
and” and inserting a semicolon;

(B) in subparagraph (H) by striking the  
period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(I) establishing specific quantitative goals  
for the safety, capacity, efficiency, performance,  
and environmental impacts of each phase of  
Next Generation Air Transportation System im-

1           plementation activities and measuring actual  
2           operational experience against those goals, tak-  
3           ing into account noise pollution reduction con-  
4           cerns of affected communities to the greatest  
5           extent practicable in establishing the environ-  
6           mental goals;

7           “(J) working to ensure global interoper-  
8           ability of the Next Generation Air Transpor-  
9           tation System;

10          “(K) working to ensure the use of weather  
11          information and space weather information in  
12          the Next Generation Air Transportation System  
13          as soon as possible;

14          “(L) overseeing, with the Administrator of  
15          the Federal Aviation Administration, the selec-  
16          tion of products or outcomes of research and  
17          development activities that would be moved to  
18          the next stage of a demonstration project; and

19          “(M) maintaining a baseline modeling and  
20          simulation environment for testing and evalu-  
21          ating alternative concepts to satisfy Next Gen-  
22          eration Air Transportation enterprise architec-  
23          ture requirements.”.

24          (3) COOPERATION WITH OTHER FEDERAL  
25          AGENCIES.—Section 709(a)(4) of such Act (as re-

1 designated by paragraph (1) of this subsection) is  
2 amended—

3 (A) by striking “(4)” and inserting  
4 “(4)(A)”; and

5 (B) by adding at the end the following:

6 “(B) The Secretary of Defense, the Administrator of  
7 the National Aeronautics and Space Administration, the  
8 Secretary of Commerce, the Secretary of Homeland Secu-  
9 rity, and the head of any other Federal agency from which  
10 the Secretary of Transportation requests assistance under  
11 subparagraph (A) shall designate a senior official in the  
12 agency to be responsible for—

13 “(i) carrying out the activities of the agency re-  
14 lating to the Next Generation Air Transportation  
15 System in coordination with the Office, including the  
16 execution of all aspects of the work of the agency in  
17 developing and implementing the integrated work  
18 plan described in subsection (b)(5);

19 “(ii) serving as a liaison for the agency in ac-  
20 tivities of the agency relating to the Next Generation  
21 Air Transportation System and coordinating with  
22 other Federal agencies involved in activities relating  
23 to the System; and

24 “(iii) ensuring that the agency meets its obliga-  
25 tions as set forth in any memorandum of under-

1 standing executed by or on behalf of the agency re-  
2 lating to the Next Generation Air Transportation  
3 System.

4 “(C) The head of a Federal agency referred to in sub-  
5 paragraph (B) shall ensure that—

6 “(i) the responsibilities of the agency relating to  
7 the Next Generation Air Transportation System are  
8 clearly communicated to the senior official of the  
9 agency designated under subparagraph (B); and

10 “(ii) the performance of the senior official in  
11 carrying out the responsibilities of the agency relat-  
12 ing to the Next Generation Air Transportation Sys-  
13 tem is reflected in the official’s annual performance  
14 evaluations and compensation.

15 “(D) The head of a Federal agency referred to in  
16 subparagraph (B) shall—

17 “(i) establish or designate an office within the  
18 agency to carry out its responsibilities under the  
19 memorandum of understanding under the super-  
20 vision of the designated official; and

21 “(ii) ensure that the designated official has suf-  
22 ficient budgetary authority and staff resources to  
23 carry out the agency’s Next Generation Air Trans-  
24 portation System responsibilities as set forth in the  
25 integrated plan under subsection (b).



1       “(E) Not later than 6 months after the date of enact-  
2       ment of this subparagraph, the head of each Federal agen-  
3       cy that has responsibility for carrying out any activity  
4       under the integrated plan under subsection (b) shall exe-  
5       cute a memorandum of understanding with the Office obli-  
6       gating that agency to carry out the activity.”.

7               (4) COORDINATION WITH OMB.—Section 709(a)  
8       of such Act (117 Stat. 2582) is further amended by  
9       adding at the end the following:

10       “(6)(A) The Office shall work with the Director of  
11       the Office of Management and Budget to develop a process  
12       whereby the Director will identify projects related to the  
13       Next Generation Air Transportation System across the  
14       agencies referred to in paragraph (4)(A) and consider the  
15       Next Generation Air Transportation System as a unified,  
16       cross-agency program.

17       “(B) The Director, to the maximum extent prac-  
18       ticable, shall—

19               “(i) ensure that—

20               “(I) each Federal agency covered by the  
21       plan has sufficient funds requested in the Presi-  
22       dent’s budget, as submitted under section  
23       1105(a) of title 31, United States Code, for  
24       each fiscal year covered by the plan to carry out  
25       its responsibilities under the plan; and

1           “(II) the development and implementation  
2           of the Next Generation Air Transportation Sys-  
3           tem remains on schedule;

4           “(ii) include, in the President’s budget, a state-  
5           ment of the portion of the estimated budget of each  
6           Federal agency covered by the plan that relates to  
7           the activities of the agency under the Next Genera-  
8           tion Air Transportation System initiative; and

9           “(iii) identify and justify as part of the Presi-  
10          dent’s budget submission any inconsistencies be-  
11          tween the plan and amounts requested in the budg-  
12          et.

13          “(7) The Associate Administrator of the Next Gen-  
14          eration Air Transportation System shall be a voting mem-  
15          ber of the Joint Resources Council of the Federal Aviation  
16          Administration.”.

17          (b) INTEGRATED PLAN.—Section 709(b) of such Act  
18          (117 Stat. 2583) is amended—

19                 (1) in the matter preceding paragraph (1)—

20                         (A) by striking “meets air” and inserting  
21                         “meets anticipated future air”; and

22                         (B) by striking “beyond those currently in-  
23                         cluded in the Federal Aviation Administration’s  
24                         operational evolution plan”;

1           (2) by striking “and” at the end of paragraph  
2           (3);

3           (3) by striking the period at the end of para-  
4           graph (4) and inserting “; and”; and

5           (4) by adding at the end the following:

6           “(5) a multiagency integrated work plan for the  
7           Next Generation Air Transportation System that in-  
8           cludes—

9                   “(A) an outline of the activities required to  
10                  achieve the end-state architecture, as expressed  
11                  in the concept of operations and enterprise ar-  
12                  chitecture documents, that identifies each Fed-  
13                  eral agency or other entity responsible for each  
14                  activity in the outline;

15                  “(B) details on a year-by-year basis of spe-  
16                  cific accomplishments, activities, research re-  
17                  quirements, rulemakings, policy decisions, and  
18                  other milestones of progress for each Federal  
19                  agency or entity conducting activities relating to  
20                  the Next Generation Air Transportation Sys-  
21                  tem;

22                  “(C) for each element of the Next Genera-  
23                  tion Air Transportation System, an outline, on  
24                  a year-by-year basis, of what is to be accom-  
25                  plished in that year toward meeting the Next

1           Generation Air Transportation System's end-  
2           state architecture, as expressed in the concept  
3           of operations and enterprise architecture docu-  
4           ments, as well as identifying each Federal agen-  
5           cy or other entity that will be responsible for  
6           each component of any research, development,  
7           or implementation program;

8           “(D) an estimate of all necessary expendi-  
9           tures on a year-by-year basis, including a state-  
10          ment of each Federal agency or entity's respon-  
11          sibility for costs and available resources, for  
12          each stage of development from the basic re-  
13          search stage through the demonstration and im-  
14          plementation phase;

15          “(E) a clear explanation of how each step  
16          in the development of the Next Generation Air  
17          Transportation System will lead to the following  
18          step and of the implications of not successfully  
19          completing a step in the time period described  
20          in the integrated work plan;

21          “(F) a transition plan for the implementa-  
22          tion of the Next Generation Air Transportation  
23          System that includes date-specific milestones  
24          for the implementation of new capabilities into  
25          the national airspace system; and

1           “(G) date-specific timetables for meeting  
2           the environmental goals identified in subsection  
3           (a)(3)(I).”.

4       (c) OPERATIONAL EVOLUTION PARTNERSHIP.—Sec-  
5       tion 709(d) of such Act (117 Stat. 2584) is amended to  
6       read as follows:

7       “(d) OPERATIONAL EVOLUTION PARTNERSHIP.—  
8       The Administrator of the Federal Aviation Administration  
9       shall develop and publish annually the document known  
10       as the ‘Operational Evolution Partnership’, or any suc-  
11       cessor document, that provides a detailed description of  
12       how the agency is implementing the Next Generation Air  
13       Transportation System.”.

14       (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
15       709(e) of such Act (117 Stat. 2584) is amended by strik-  
16       ing “2010” and inserting “2011”.

17       (e) CONTINGENCY PLANNING.—The Associate Ad-  
18       ministrator for the Next Generation Air Transportation  
19       System shall, as part of the design of the System, develop  
20       contingency plans for dealing with the degradation of the  
21       System in the event of a natural disaster, major equip-  
22       ment failure, or act of terrorism.

1   **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**  
2                   **IOR POLICY COMMITTEE.**

3           (a) MEETINGS.—Section 710(a) of Vision 100—Cen-  
4    tury of Aviation Reauthorization Act (49 U.S.C. 40101  
5    note; 117 Stat. 2584) is amended by inserting before the  
6    period at the end the following “and shall meet at least  
7    twice each year”.

8           (b) ANNUAL REPORT.—Section 710 of such Act (117  
9    Stat. 2584) is amended by adding at the end the following:

10       “(e) ANNUAL REPORT.—

11           “(1) SUBMISSION TO CONGRESS.—Not later  
12       than one year after the date of enactment of this  
13       subsection, and annually thereafter on the date of  
14       submission of the President’s budget request to Con-  
15       gress under section 1105(a) of title 31, United  
16       States Code, the Secretary shall submit to the Com-  
17       mittee on Transportation and Infrastructure and the  
18       Committee on Science and Technology of the House  
19       of Representatives and the Committee on Commerce,  
20       Science, and Transportation of the Senate a report  
21       summarizing the progress made in carrying out the  
22       integrated work plan required by section 709(b)(5)  
23       and any changes in that plan.

24           “(2) CONTENTS.—The report shall include—

25               “(A) a copy of the updated integrated  
26       work plan;

1           “(B) a description of the progress made in  
2           carrying out the integrated work plan and any  
3           changes in that plan, including any changes  
4           based on funding shortfalls and limitations set  
5           by the Office of Management and Budget;

6           “(C) a detailed description of—

7                   “(i) the success or failure of each item  
8                   of the integrated work plan for the pre-  
9                   vious year and relevant information as to  
10                  why any milestone was not met; and

11                  “(ii) the impact of not meeting the  
12                  milestone and what actions will be taken in  
13                  the future to account for the failure to  
14                  complete the milestone;

15           “(D) an explanation of any change to fu-  
16           ture years in the integrated work plan and the  
17           reasons for such change; and

18           “(E) an identification of the levels of fund-  
19           ing for each agency participating in the inte-  
20           grated work plan devoted to programs and ac-  
21           tivities under the plan for the previous fiscal  
22           year and in the President’s budget request.”.

23   **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**  
24           **CAST SERVICES.**

25           (a) REPORT ON FAA PROGRAM AND SCHEDULE.—

1           (1) IN GENERAL.—The Administrator of the  
2       Federal Aviation Administration shall prepare a re-  
3       port detailing the program and schedule for inte-  
4       grating automatic dependent surveillance-broadcast  
5       (in this section referred to as “ADS-B”) technology  
6       into the national airspace system.

7           (2) CONTENTS.—The report shall include—

8                 (A) a description of segment 1 and seg-  
9       ment 2 activity to acquire ADS-B services;

10                (B) a description of plans for implementa-  
11       tion of advanced operational procedures and  
12       ADS-B air-to-air applications; and

13                (C) a discussion of protections that the  
14       Administration will require as part of any con-  
15       tract or program in the event of a contractor’s  
16       default, bankruptcy, acquisition by another en-  
17       tity, or any other event jeopardizing the unin-  
18       terrupted provision of ADS-B services.

19           (3) SUBMISSION TO CONGRESS.—Not later than  
20       90 days after the date of enactment of this Act, the  
21       Administrator shall submit to the Committee on  
22       Transportation and Infrastructure of the House of  
23       Representatives and the Committee on Commerce,  
24       Science, and Transportation of the Senate the report  
25       prepared under paragraph (1).



1 (b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-  
2 B SERVICES.—Any contract entered into by the Adminis-  
3 trator with an entity to acquire ADS-B services shall con-  
4 tain terms and conditions that—

5 (1) require approval by the Administrator be-  
6 fore the contract may be assigned to or assumed by  
7 another entity, including any successor entity, sub-  
8 sidiary of the contractor, or other corporate entity;

9 (2) provide that the assets, equipment, hard-  
10 ware, and software used in the performance of the  
11 contract be designated as critical national infrastruc-  
12 ture for national security and related purposes;

13 (3) require the contractor to provide continued  
14 broadcast services for a reasonable period, as deter-  
15 mined by the Administrator, until the provision of  
16 such services can be transferred to another vendor  
17 or to the Government in the event of a termination  
18 of the contract;

19 (4) require the contractor to provide continued  
20 broadcast services for a reasonable period, as deter-  
21 mined by the Administrator, until the provision of  
22 such services can be transferred to another vendor  
23 or to the Government in the event of material non-  
24 performance, as determined by the Administrator;  
25 and

1           (5) permit the Government to acquire or utilize  
2           for a reasonable period, as determined by the Ad-  
3           ministrator, the assets, equipment, hardware, and  
4           software necessary to ensure the continued and un-  
5           interrupted provision of ADS-B services and to have  
6           ready access to such assets, equipment, hardware,  
7           and software through its own personnel, agents, or  
8           others, if the Administrator provides reasonable  
9           compensation for such acquisition or utilization.

10       (c) REVIEW BY DOT INSPECTOR GENERAL.—

11           (1) IN GENERAL.—The Inspector General of  
12           the Department of Transportation shall conduct a  
13           review concerning the Federal Aviation Administra-  
14           tion's award and oversight of any contract entered  
15           into by the Administration to provide ADS-B serv-  
16           ices for the national airspace system.

17           (2) CONTENTS.—The review shall include, at a  
18           minimum—

19                   (A) an examination of how program risks  
20                   are being managed;

21                   (B) an assessment of expected benefits at-  
22                   tributable to the deployment of ADS-B services,  
23                   including the implementation of advanced oper-  
24                   ational procedures and air-to-air applications as

1 well as to the extent to which ground radar will  
2 be retained;

3 (C) a determination of whether the Admin-  
4 istration has established sufficient mechanisms  
5 to ensure that all design, acquisition, operation,  
6 and maintenance requirements have been met  
7 by the contractor;

8 (D) an assessment of whether the Admin-  
9 istration and any contractors are meeting cost,  
10 schedule, and performance milestones, as meas-  
11 ured against the original baseline of the Admin-  
12 istration's program for providing ADS-B serv-  
13 ices;

14 (E) an assessment of whether security  
15 issues are being adequately addressed in the  
16 overall design and implementation of the ADS-  
17 B system; and

18 (F) any other matters or aspects relating  
19 to contract implementation and oversight that  
20 the Inspector General determines merit atten-  
21 tion.

22 (3) REPORTS TO CONGRESS.—The Inspector  
23 General shall periodically, on at least an annual  
24 basis, submit to the Committee on Transportation  
25 and Infrastructure of the House of Representatives

1 and the Committee on Commerce, Science, and  
2 Transportation of the Senate a report on the results  
3 of the review conducted under this subsection.

4 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**  
5 **CONTROL MODERNIZATION PROJECTS.**

6 (a) IN GENERAL.—The Administrator of the Federal  
7 Aviation Administration shall establish a process for in-  
8 cluding in the planning, development, and deployment of  
9 air traffic control modernization projects (including the  
10 Next Generation Air Transportation System) and collabo-  
11 rating with qualified employees selected by each exclusive  
12 collective bargaining representative of employees of the  
13 Administration who are likely to be impacted by such plan-  
14 ning, development, and deployment.

15 (b) PARTICIPATION.—

16 (1) BARGAINING OBLIGATIONS AND RIGHTS.—  
17 Participation in the process described in subsection  
18 (a) shall not be construed as a waiver of any bar-  
19 gaining obligations or rights under section  
20 40122(a)(1) or 40122(g)(2)(C) of title 49, United  
21 States Code.

22 (2) CAPACITY AND COMPENSATION.—Exclusive  
23 collective bargaining representatives and selected  
24 employees participating in the process described in  
25 subsection (a) shall—

1 (A) serve in a collaborative and advisory  
2 capacity; and

3 (B) receive appropriate travel and per  
4 diem expenses in accordance with the travel  
5 policies of the Administration in addition to any  
6 regular compensation and benefits.

7 (c) REPORT.—Not later than 180 days after the date  
8 of enactment of this Act, the Administrator shall submit  
9 to the Committee on Transportation and Infrastructure  
10 of the House of Representatives and the Committee on  
11 Commerce, Science, and Transportation of the Senate a  
12 report on the implementation of this section.

13 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**  
14 **TRANSFORMING TO THE NEXT GENERATION**  
15 **AIR TRANSPORTATION SYSTEM.**

16 (a) IN GENERAL.—The Comptroller General shall  
17 conduct a review of the progress and challenges associated  
18 with transforming the Nation's air traffic control system  
19 into the Next Generation Air Transportation System (in  
20 this section referred to as the "NextGen System").

21 (b) REVIEW.—The review shall include the following:

22 (1) An evaluation of the continued implementa-  
23 tion and institutionalization of the processes that are  
24 key to the ability of the Air Traffic Organization to  
25 effectively maintain management structures and sys-

1       tems acquisitions procedures utilized under the cur-  
2       rent air traffic control modernization program as a  
3       basis for the NextGen System.

4           (2) An assessment of the progress and chal-  
5       lenges associated with collaboration and contribu-  
6       tions of the partner agencies working with the Joint  
7       Planning and Development Office of the Federal  
8       Aviation Administration (in this section referred to  
9       as the “JPDO”) in planning and implementing the  
10      NextGen System.

11          (3) The progress and challenges associated with  
12      coordinating government and industry stakeholders  
13      in activities relating to the NextGen System, includ-  
14      ing an assessment of the contributions of the  
15      NextGen Institute.

16          (4) An assessment of planning and implementa-  
17      tion of the NextGen System against established  
18      schedules, milestones, and budgets.

19          (5) An evaluation of the recently modified orga-  
20      nizational structure of the JPDO.

21          (6) An examination of transition planning by  
22      the Air Traffic Organization and the JPDO.

23          (7) Any other matters or aspects of planning  
24      and coordination of the NextGen System by the

1 Federal Aviation Administration and the JPDO that  
2 the Comptroller General determines appropriate.

3 (c) REPORTS.—

4 (1) REPORT TO CONGRESS ON PRIORITIES.—

5 Not later than one year after the date of enactment  
6 of this Act, the Comptroller General shall determine  
7 the priority of topics to be reviewed under this sec-  
8 tion and report such priorities to the Committee on  
9 Transportation and Infrastructure and the Com-  
10 mittee on Science and Technology of the House of  
11 Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate.

13 (2) PERIODIC REPORTS TO CONGRESS ON RE-  
14 SULTS OF THE REVIEW.—The Comptroller General  
15 shall periodically submit to the committees referred  
16 to in paragraph (1) a report on the results of the  
17 review conducted under this section.

18 **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**  
19 **PORTATION SYSTEM ACQUISITION AND PRO-**  
20 **CEDURES DEVELOPMENT.**

21 (a) STUDY.—The Comptroller General shall conduct  
22 a review of the progress made and challenges related to  
23 the acquisition of designated technologies and the develop-  
24 ment of procedures for the Next Generation Air Transpor-

1 tation System (in this section referred to as the “NextGen  
2 System”).

3 (b) SPECIFIC SYSTEMS REVIEW.—The review shall  
4 include, at a minimum, an examination of the acquisition  
5 costs, schedule, and other relevant considerations for the  
6 following systems:

7 (1) En Route Automation Modernization  
8 (ERAM).

9 (2) Standard Terminal Automation Replace-  
10 ment System/Common Automated Radar Terminal  
11 System (STARS/CARTS).

12 (3) Automatic Dependent Surveillance-Broad-  
13 cast (ADS-B).

14 (4) System Wide Information Management  
15 (SWIM).

16 (5) Traffic Flow Management Modernization  
17 (TFM-M).

18 (c) REVIEW.—The review shall include, at a min-  
19 imum, an assessment of the progress and challenges re-  
20 lated to the development of standards, regulations, and  
21 procedures that will be necessary to implement the  
22 NextGen System, including required navigation perform-  
23 ance, area navigation, the airspace management program,  
24 and other programs and procedures that the Comptroller



1 General identifies as relevant to the transformation of the  
2 air traffic system.

3 (d) PERIODIC REPORTS TO CONGRESS ON RESULTS  
4 OF THE REVIEW.—The Comptroller General shall periodi-  
5 cally submit to the Committee on Transportation and In-  
6 frastructure and the Committee on Science and Tech-  
7 nology of the House of Representatives and the Committee  
8 on Commerce, Science, and Transportation of the Senate  
9 a report on the results of the review conducted under this  
10 section.

11 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**  
12 **ATIONAL AND APPROACH PROCEDURES BY A**  
13 **THIRD PARTY.**

14 (a) REVIEW.—The Inspector General of the Depart-  
15 ment of Transportation shall conduct a review regarding  
16 the effectiveness of the oversight activities conducted by  
17 the Federal Aviation Administration in connection with  
18 any agreement with or delegation of authority to a third  
19 party for the development of flight procedures for the na-  
20 tional airspace system.

21 (b) ASSESSMENTS.—The Inspector General shall in-  
22 clude, at a minimum, in the review—

23 (1) an assessment of the extent to which the  
24 Federal Aviation Administration is relying or in-  
25 tends to rely on a third party for the development

1 of new procedures and a determination of whether  
2 the Administration has established sufficient mecha-  
3 nisms and staffing to provide safety oversight of a  
4 third party; and

5 (2) an assessment regarding whether the Ad-  
6 ministration has sufficient existing personnel and  
7 technical resources or mechanisms to develop such  
8 flight procedures in a safe and efficient manner to  
9 meet the demands of the national airspace system  
10 without the use of third party resources.

11 (c) REPORT.—Not later than one year after the date  
12 of enactment of this Act, the Inspector General shall sub-  
13 mit to the Committee on Transportation and Infrastruc-  
14 ture of the House of Representatives and the Committee  
15 on Commerce, Science, and Transportation of the Senate  
16 a report on the results of the review conducted under this  
17 section, including the assessments described in subsection  
18 (b).

19 **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**  
20 **FOR NEXT GENERATION AIR TRANSPOR-**  
21 **TATION SYSTEM.**

22 (a) REVIEW.—The Administrator of the Federal  
23 Aviation Administration shall enter into an arrangement  
24 with the National Research Council to review the enter-

1 prise architecture for the Next Generation Air Transpor-  
2 tation System.

3 (b) CONTENTS.—At a minimum, the review to be  
4 conducted under subsection (a) shall—

5 (1) highlight the technical activities, including  
6 human-system design, organizational design, and  
7 other safety and human factor aspects of the system,  
8 that will be necessary to successfully transition cur-  
9 rent and planned modernization programs to the fu-  
10 ture system envisioned by the Joint Planning and  
11 Development Office of the Administration;

12 (2) assess technical, cost, and schedule risk for  
13 the software development that will be necessary to  
14 achieve the expected benefits from a highly auto-  
15 mated air traffic management system and the impli-  
16 cations for ongoing modernization projects; and

17 (3) include judgments on how risks with auto-  
18 mation efforts for the Next Generation Air Trans-  
19 portation System can be mitigated based on the ex-  
20 periences of other public or private entities in devel-  
21 oping complex, software-intensive systems.

22 (c) REPORT.—Not later than one year after the date  
23 of enactment of this Act, the Administrator shall submit  
24 to Congress a report containing the results of the review  
25 conducted pursuant to subsection (a).

1   **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

2       Of amounts appropriated under section 48101(a) of  
3 title 49, United States Code, the Administrator of the  
4 Federal Aviation Administration shall use such sums as  
5 may be necessary for each of the fiscal years 2008 through  
6 2011 to contribute to the establishment by a public-private  
7 partnership (including a university component with sig-  
8 nificant aviation expertise in air traffic management, sim-  
9 ulation, meteorology, and engineering and aviation busi-  
10 ness) an airport-based testing site for existing Next Gen-  
11 eration Air Transport System technologies. The Adminis-  
12 trator shall ensure that next generation air traffic control  
13 integrated systems developed by private industries are in-  
14 stalled at the site for demonstration, operational research,  
15 and evaluation by the Administration. The testing site  
16 shall serve a mix of general aviation and commercial traf-  
17 fic.

18   **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
19                   **REIMBURSABLE AGREEMENTS.**

20       Section 106(m) is amended in the last sentence by  
21 inserting “with or” before “without reimbursement”.

22   **SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.**

23       Section 40102(a)(4) is amended—

24           (1) by redesignating subparagraph (D) as sub-  
25       paragraph (E);

1           (2) by striking subparagraphs (B) and (C) and  
2     inserting the following:

3           “(B) runway lighting and airport surface  
4     visual and other navigation aids;

5           “(C) aeronautical and meteorological infor-  
6     mation to air traffic control facilities or air-  
7     craft;

8           “(D) communication, navigation, or sur-  
9     veillance equipment for air-to-ground or air-to-  
10    air applications;”;

11          (3) in subparagraph (E) (as redesignated by  
12    paragraph (1) of this section)—

13           (A) by striking “another structure” and  
14     inserting “any structure, equipment,”; and

15           (B) by striking the period at the end and  
16     inserting “; and”; and

17          (4) by adding at the end the following:

18           “(F) buildings, equipment, and systems  
19     dedicated to the national airspace system.”.

20   **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
21   **TORY.**

22          Section 40110(a)(2) is amended by striking “com-  
23    pensation” and inserting “compensation, and the amount  
24    received shall be credited as an offsetting collection to the

1 account from which the amount was expended and shall  
2 remain available until expended”.

3 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**  
4 **THORITY.**

5 Section 40110(c) is amended—

6 (1) by striking the semicolon at the end of  
7 paragraph (3) and inserting “; and”;

8 (2) by striking paragraph (4); and

9 (3) by redesignating paragraph (5) as para-  
10 graph (4).

11 **SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORI-**  
12 **TIES.**

13 Section 40113(e) is amended—

14 (1) in paragraph (1)—

15 (A) by inserting “public and private” be-  
16 fore “foreign aviation authorities”; and

17 (B) by striking the period at the end of the  
18 first sentence and inserting “or efficiency. The  
19 Administrator may participate in, and submit  
20 offers in response to, competitions to provide  
21 such services and may contract with foreign  
22 aviation authorities to provide such services  
23 consistent with section 106(l)(6). Notwith-  
24 standing any other provision of law or policy,

1           the Administrator may accept payments re-  
2           ceived under this subsection in arrears.”; and  
3           (2) in paragraph (3) by striking “credited” and  
4           all that follows through the period at the end and  
5           inserting “credited as an offsetting collection to the  
6           account from which the expenses were incurred in  
7           providing such services and shall remain available  
8           until expended.”.

9   **SEC. 216. FRONT LINE MANAGER STAFFING.**

10       (a) STUDY.—Not later than 90 days after the date  
11       of enactment of this Act, the Administrator of the Federal  
12       Aviation Administration shall initiate a study on front line  
13       manager staffing requirements in air traffic control facili-  
14       ties.

15       (b) CONSIDERATIONS.—In conducting the study, the  
16       Administrator shall take into consideration—

- 17           (1) the number of supervisory positions of oper-  
18           ation requiring watch coverage in each air traffic  
19           control facility;  
20           (2) coverage requirements in relation to traffic  
21           demand;  
22           (3) facility type;  
23           (4) complexity of traffic and managerial respon-  
24           sibilities;  
25           (5) proficiency and training requirements; and

1           (6) such other factors as the Administrator con-  
2           siders appropriate.

3           (c) DETERMINATIONS.—The Administrator shall  
4           transmit any determinations made as a result of the study  
5           to the Chief Operating Officer for the air traffic control  
6           system.

7           (d) REPORT.—Not later than one year after the date  
8           of enactment of this Act, the Administrator shall submit  
9           to the Committee on Transportation and Infrastructure  
10          of the House of Representatives and the Committee on  
11          Commerce, Science, and Transportation of the Senate a  
12          report on the results of the study and a description of any  
13          determinations submitted to the Chief Operating Officer  
14          under subsection (c).

15   **SEC. 217. FLIGHT SERVICE STATIONS.**

16          (a) ESTABLISHMENT OF MONITORING SYSTEM.—Not  
17          later than 60 days after the date of enactment of this Act,  
18          the Administrator of the Federal Aviation Administration  
19          shall develop and implement a monitoring system for flight  
20          service specialist staffing and training under service con-  
21          tracts for flight service stations.

22          (b) COMPONENTS.—At a minimum, the monitoring  
23          system shall include mechanisms to monitor—

24                (1) flight specialist staffing plans for individual  
25                facilities;



1           (2) actual staffing levels for individual facilities;  
2           (3) the initial and recurrent certification and  
3           training of flight service specialists on the safety,  
4           operational, and technological aspects of flight serv-  
5           ices, including any certification and training nec-  
6           essary to meet user demand; and

7           (4) system outages, excessive hold times,  
8           dropped calls, poor quality briefings, and any other  
9           safety or customer service issues under a contract  
10          for flight service station services.

11       (c) REPORT TO CONGRESS.—Not later than 90 days  
12 after the date of enactment of this Act, the Administrator  
13 shall submit to the Committee on Transportation and In-  
14 frastructure of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate a report containing—

17           (1) a description of monitoring system;  
18           (2) if the Administrator determines that con-  
19           tractual changes or corrective actions are required  
20           for the Administration to ensure that the vendor  
21           under a contract for flight service station services  
22           provides safe and high quality service to consumers,  
23           a description of the changes or actions required; and  
24           (3) a description of the contingency plans of the  
25           Administrator and the protections that the Adminis-

1       trator will have in place to provide uninterrupted  
2       flight service station services in the event of—

3               (A) material non-performance of the con-  
4       tract;

5               (B) a vendor's default, bankruptcy, or ac-  
6       quisition by another entity; or

7               (C) any other event that could jeopardize  
8       the uninterrupted provision of flight service sta-  
9       tion services.

## 10                   **TITLE III—SAFETY**

### 11       **Subtitle A—General Provisions**

#### 12       **SEC. 301. AGE STANDARDS FOR PILOTS.**

13       (a) IN GENERAL.—Chapter 447 is amended by add-  
14       ing at the end the following:

#### 15       **“§ 44729. Age standards for pilots**

16       “(a) IN GENERAL.—Subject to the limitation in sub-  
17       section (c), a pilot may serve in multicrew covered oper-  
18       ations until attaining 65 years of age.

19       “(b) COVERED OPERATIONS DEFINED.—In this sec-  
20       tion, the term ‘covered operations’ means operations under  
21       part 121 of title 14, Code of Federal Regulations.

22       “(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

23               “(1) APPLICABILITY OF ICAO STANDARD.—A  
24       pilot who has attained 60 years of age may serve as  
25       pilot-in-command in covered operations between the

1 United States and another country only if there is  
2 another pilot in the flight deck crew who has not yet  
3 attained 60 years of age.

4 “(2) SUNSET OF LIMITATION.—Paragraph (1)  
5 shall cease to be effective on such date as the Con-  
6 vention on International Civil Aviation provides that  
7 a pilot who has attained 60 years of age may serve  
8 as pilot-in-command in international commercial op-  
9 erations without regard to whether there is another  
10 pilot in the flight deck crew who has not attained  
11 age 60.

12 “(d) SUNSET OF AGE-60 RETIREMENT RULE.—On  
13 and after the date of enactment of this section, section  
14 121.383(c) of title 14, Code of Federal Regulations, shall  
15 cease to be effective.

16 “(e) APPLICABILITY.—

17 “(1) NONRETROACTIVITY.—No person who has  
18 attained 60 years of age before the date of enact-  
19 ment of this section may serve as a pilot for an air  
20 carrier engaged in covered operations unless—

21 “(A) such person is in the employment of  
22 that air carrier in such operations on such date  
23 of enactment as a required flight deck crew  
24 member; or

1           “(B) such person is newly hired by an air  
2           carrier as a pilot on or after such date of enact-  
3           ment without credit for prior seniority or prior  
4           longevity for benefits or other terms related to  
5           length of service prior to the date of rehire  
6           under any labor agreement or employment poli-  
7           cies of the air carrier.

8           “(2) PROTECTION FOR COMPLIANCE.—An ac-  
9           tion taken in conformance with this section, taken in  
10          conformance with a regulation issued to carry out  
11          this section, or taken prior to the date of enactment  
12          of this section in conformance with section  
13          121.383(c) of title 14, Code of Federal Regulations  
14          (as in effect before such date of enactment), may  
15          not serve as a basis for liability or relief in a pro-  
16          ceeding before any court or agency of the United  
17          States or of any State or locality.

18          “(f) AMENDMENTS TO LABOR AGREEMENTS AND  
19          BENEFIT PLANS.—Any amendment to a labor agreement  
20          or benefit plan of an air carrier that is required to conform  
21          with the requirements of this section or a regulation issued  
22          to carry out this section, and is applicable to pilots rep-  
23          resented for collective bargaining, shall be made by agree-  
24          ment of the air carrier and the designated bargaining rep-  
25          resentative of the pilots of the air carrier.

1 “(g) MEDICAL STANDARDS AND RECORDS.—

2 “(1) MEDICAL EXAMINATIONS AND STAND-  
3 ARDS.—Except as provided by paragraph (2), a per-  
4 son serving as a pilot for an air carrier engaged in  
5 covered operations shall not be subject to different  
6 medical standards, or different, greater, or more fre-  
7 quent medical examinations, on account of age un-  
8 less the Secretary determines (based on data re-  
9 ceived or studies published after the date of enact-  
10 ment of this section) that different medical stand-  
11 ards, or different, greater, or more frequent medical  
12 examinations, are needed to ensure an adequate level  
13 of safety in flight.

14 “(2) DURATION OF FIRST-CLASS MEDICAL CER-  
15 TIFICATE.—No person who has attained 60 years of  
16 age may serve as a pilot of an air carrier engaged  
17 in covered operations unless the person has a first-  
18 class medical certificate. Such a certificate shall ex-  
19 pire on the last day of the 6-month period following  
20 the date of examination shown on the certificate.

21 “(h) SAFETY.—

22 “(1) TRAINING.—Each air carrier engaged in  
23 covered operations shall continue to use pilot train-  
24 ing and qualification programs approved by the Fed-  
25 eral Aviation Administration, with specific emphasis

1 on initial and recurrent training and qualification of  
2 pilots who have attained 60 years of age, to ensure  
3 continued acceptable levels of pilot skill and judg-  
4 ment.

5 “(2) LINE EVALUATIONS.—Not later than 6  
6 months after the date of enactment of this section,  
7 and every 6 months thereafter, an air carrier en-  
8 gaged in covered operations shall evaluate the per-  
9 formance of each pilot of the air carrier who has at-  
10 tained 60 years of age through a line check of such  
11 pilot. Notwithstanding the preceding sentence, an air  
12 carrier shall not be required to conduct for a 6-  
13 month period a line check under this paragraph of  
14 a pilot serving as second in command if the pilot has  
15 undergone a regularly scheduled simulator evalua-  
16 tion during that period.

17 “(3) GAO REPORT.—Not later than 24 months  
18 after the date of enactment of this section, the  
19 Comptroller General shall submit to the Committee  
20 on Transportation and Infrastructure of the House  
21 of Representatives and the Committee on Commerce,  
22 Science, and Transportation of the Senate a report  
23 concerning the effect, if any, on aviation safety of  
24 the modification to pilot age standards made by sub-  
25 section (a).”.

1 (b) CLERICAL AMENDMENT.—The analysis for such  
2 chapter is amended by adding at the end the following:  
“44729. Age standards for pilots.”.

3 **SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
4 **TIFICATES.**

5 (a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec-  
6 tion 44703(d) is amended by adding at the end the fol-  
7 lowing:

8 “(3) JUDICIAL REVIEW.—A person who is sub-  
9 stantially affected by an order of the Board under  
10 this subsection, or the Administrator if the Adminis-  
11 trator decides that an order of the Board will have  
12 a significant adverse impact on carrying out this  
13 subtitle, may seek judicial review of the order under  
14 section 46110. The Administrator shall be made a  
15 party to the judicial review proceedings. The find-  
16 ings of fact of the Board in any such case are con-  
17 clusive if supported by substantial evidence.”.

18 (b) CONFORMING AMENDMENT.—Section 1153(c) is  
19 amended by striking “section 44709 or” and inserting  
20 “section 44703(d), 44709, or”.

21 **SEC. 303. RELEASE OF DATA RELATING TO ABANDONED**  
22 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
23 **TYPE CERTIFICATES.**

24 (a) RELEASE OF DATA.—Section 44704(a) is amend-  
25 ed by adding at the end the following:

1 “(5) RELEASE OF DATA.—

2 “(A) IN GENERAL.—Notwithstanding any  
3 other provision of law, the Administrator may  
4 make available upon request to a person seek-  
5 ing to maintain the airworthiness of an aircraft,  
6 engine, propeller, or appliance, engineering data  
7 in the possession of the Administration relating  
8 to a type certificate or a supplemental type cer-  
9 tificate for such aircraft, engine, propeller, or  
10 appliance, without the consent of the owner of  
11 record, if the Administrator determines that—

12 “(i) the certificate containing the re-  
13 quested data has been inactive for 3 or  
14 more years;

15 “(ii) after using due diligence, the Ad-  
16 ministrator is unable to find the owner of  
17 record, or the owner of record’s heir, of the  
18 type certificate or supplemental certificate;  
19 and

20 “(iii) making such data available will  
21 enhance aviation safety.

22 “(B) ENGINEERING DATA DEFINED.—In  
23 this section, the term ‘engineering data’ as used  
24 with respect to an aircraft, engine, propeller, or  
25 appliance means type design drawing and speci-



1           fications for the entire aircraft, engine, pro-  
2           peller, or appliance or change to the aircraft,  
3           engine, propeller, or appliance, including the  
4           original design data, and any associated sup-  
5           plier data for individual parts or components  
6           approved as part of the particular certificate for  
7           the aircraft engine, propeller, or appliance.”.

8           (b) DESIGN ORGANIZATION CERTIFICATES.—Section  
9   44704(e)(1) is amended by striking “Beginning 7 years  
10   after the date of enactment of this subsection,” and insert-  
11   ing “Beginning January 1, 2013,”.

12   **SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.**

13           (a) IN GENERAL.—Chapter 447 (as amended by sec-  
14   tion 301 of this Act) is further amended by adding at the  
15   end the following:

16   **“§ 44730. Inspection of foreign repair stations**

17           “Not later than one year after the date of enactment  
18   of this section, and annually thereafter, the Administrator  
19   of the Federal Aviation Administration shall submit to  
20   Congress a certification that each foreign repair station  
21   that is certified by the Administrator under part 145 of  
22   title 14, Code of Federal Regulations, and performs work  
23   on air carrier aircraft or components has been inspected  
24   by safety inspectors of the Administration not fewer than  
25   2 times in the preceding calendar year.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such  
2 chapter is amended by adding at the end the following:

“44730. Inspection of foreign repair stations.”.

3 **SEC. 305. RUNWAY INCURSION REDUCTION.**

4 Not later than December 31, 2008, the Administrator  
5 of the Federal Aviation Administration shall submit to  
6 Congress a report containing a plan for the installation  
7 and deployment of systems the Administration is installing  
8 to alert controllers or flight crews, or both, of potential  
9 runway incursions. The plan shall be integrated into the  
10 annual Operational Evolution Partnership document of  
11 the Administration or any successor document.

12 **SEC. 306. IMPROVED PILOT LICENSES.**

13 (a) IN GENERAL.—Not later than 6 months after the  
14 date of enactment of this Act, the Administrator of the  
15 Federal Aviation Administration shall begin to issue im-  
16 proved pilot licenses consistent with the requirements of  
17 title 49, United States Code, and title 14, Code of Federal  
18 Regulations.

19 (b) REQUIREMENTS.—Improved pilots licenses issued  
20 under subsection (a) shall—

21 (1) be resistant to tampering, alteration, and  
22 counterfeiting;

23 (2) include a photograph of the individual to  
24 whom the license is issued; and

1           (3) be capable of accommodating a digital pho-  
2           tograph, a biometric identifier, or any other unique  
3           identifier that the Administrator considers nec-  
4           essary.

5           (c) TAMPERING.—To the extent practical, the Admin-  
6           istrator shall develop methods to determine or reveal  
7           whether any component or security feature of a license  
8           issued under subsection (a) has been tampered, altered,  
9           or counterfeited.

10          (d) USE OF DESIGNEES.—The Administrator may  
11          use designees to carry out subsection (a) to the extent fea-  
12          sible in order to minimize the burdens on pilots.

13          (e) REPORT.—Not later than 9 months after the date  
14          of enactment of this Act and every 6 months thereafter  
15          until September 30, 2011, the Administrator shall submit  
16          to the Committee on Transportation and Infrastructure  
17          of the House of Representatives and the Committee on  
18          Commerce, Science, and Transportation of the Senate a  
19          report on the issuance of improved pilot licenses under this  
20          section.

21       **SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.**

22          Not later than December 31, 2007, the Administrator  
23          of the Federal Aviation Administration shall issue a final  
24          rule regarding the reduction of fuel tank flammability in  
25          transport category aircraft.

1   **SEC. 308. FLIGHT CREW FATIGUE.**

2           (a) IN GENERAL.—Not later than 3 months after the  
3   date of enactment of this Act, the Administrator of the  
4   Federal Aviation Administration shall conclude arrange-  
5   ments with the National Academy of Sciences for a study  
6   of pilot fatigue.

7           (b) STUDY.—The study shall include consideration  
8   of—

9               (1) research on pilot fatigue, sleep, and circa-  
10   dian rhythms;

11              (2) sleep and rest requirements of pilots rec-  
12   ommended by the National Aeronautics and Space  
13   Administration and the National Transportation  
14   Safety Board; and

15              (3) Federal Aviation Administration and inter-  
16   national standards regarding flight limitations and  
17   rest for pilots.

18           (c) REPORT.—Not later than 18 months after initi-  
19   ating the study, the National Academy of Sciences shall  
20   submit to the Administrator a report containing its find-  
21   ings and recommendations regarding the study under sub-  
22   sections (a) and (b), including recommendations with re-  
23   spect to Federal Aviation Administration regulations gov-  
24   erning flight time limitations and rest requirements for  
25   pilots.

1 (d) RULEMAKING.—After the Administrator receives  
2 the report of the National Academy of Sciences, the Ad-  
3 ministrator shall consider the findings in the report and  
4 update as appropriate based on scientific data Federal  
5 Aviation Administration regulations governing flight time  
6 limitations and rest requirements for pilots.

7 (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-  
8 TIGUE STUDY RECOMMENDATIONS.—Not later than 60  
9 days after the date of enactment of this Act, the Adminis-  
10 trator shall initiate a process for the Civil Aerospace Med-  
11 ical Institute to carry out its recommendations for further  
12 study of the issue of flight attendant fatigue and to submit  
13 not later than March 31, 2009, to Congress a report on  
14 such process, including an analysis of the following:

15 (1) A survey of field operations of flight attend-  
16 ants.

17 (2) A study of incident reports regarding flight  
18 attendant fatigue.

19 (3) Field research on the effects of such fa-  
20 tigue.

21 (4) A validation of models for assessing flight  
22 attendant fatigue, international policies, and prac-  
23 tices regarding flight limitations and rest of flight  
24 attendants, and the potential benefits of training  
25 flight attendants regarding such fatigue.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as necessary  
3 to carry out this section.

4 **SEC. 309. OSHA STANDARDS.**

5 (a) IN GENERAL.—The Administrator of the FAA  
6 shall—

7 (1) not later than 6 months after the date of  
8 enactment of this Act, establish milestones, in con-  
9 sultation with the Administrator of the OSHA, to  
10 complete work begun under the August 2000 memo-  
11 randum of understanding between the FAA and  
12 OSHA and to address issues needing further action  
13 identified in the joint report of the FAA and OSHA  
14 in December 2000; and

15 (2) not later than 24 months after the date of  
16 enactment of this Act, issue a policy statement to  
17 set forth the circumstances in which requirements of  
18 OSHA may be applied to crewmembers while work-  
19 ing in an aircraft cabin.

20 (b) CONTENTS OF POLICY STATEMENT.—

21 (1) ESTABLISHMENT OF COORDINATING  
22 BODY.—The policy statement to be developed under  
23 subsection (a)(2) shall provide for the establishment  
24 of a coordinating body, similar to the aviation safety  
25 and health joint team established pursuant to the

1 August 2000 memorandum of understanding be-  
2 tween the FAA and OSHA, that includes represent-  
3 atives designated by the FAA and OSHA—

4 (A) to examine the applicability of current  
5 and proposed regulations of OSHA for applica-  
6 tion and enforcement by the FAA;

7 (B) to recommend policies for facilitating  
8 the training of inspectors of the FAA; and

9 (C) to make recommendations that will  
10 govern the inspection and enforcement by the  
11 FAA of occupational safety and health stand-  
12 ards on board an aircraft providing air trans-  
13 portation.

14 (2) FAA STANDARDS.—The policy statement to  
15 be developed under subsection (a)(2) shall ensure  
16 that standards adopted by the FAA set forth clear-  
17 ly—

18 (A) the circumstances under which an em-  
19 ployer is required to take action to address oc-  
20 cupational safety and health hazards;

21 (B) the measures required of an employer  
22 under the standard; and

23 (C) the compliance obligations of an em-  
24 ployer under the standard.

1 (c) REPORT TO CONGRESS.—Not later than 6  
2 months after the date of enactment of this Act, the Ad-  
3 ministrator of the FAA shall submit to Congress a report  
4 describing the milestones established under subsection  
5 (a)(1).

6 (d) DEFINITIONS.—In this section, the following defi-  
7 nitions apply:

8 (1) FAA.—The term “FAA” means the Fed-  
9 eral Aviation Administration.

10 (2) OSHA.—The term “OSHA” means the  
11 “Occupational Safety and Health Administration”.

12 **SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**  
13 **AREAS.**

14 (a) ESTABLISHMENT.—The Administrator of the  
15 Federal Aviation Administration may establish a pilot pro-  
16 gram to improve safety and efficiency by providing surveil-  
17 lance for aircraft flying outside of radar coverage in moun-  
18 tainous areas.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated such sums as may be nec-  
21 essary to carry out this section. Such sums shall remain  
22 available until expended.



1   **SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**  
2                           **ER OBSERVATION TECHNOLOGY.**

3       (a) STUDY.—The Administrator of the Federal Avia-  
4   tion Administration shall conduct a review of off-airport,  
5   low-altitude aircraft weather observation technologies.

6       (b) SPECIFIC REVIEW.—The review shall include, at  
7   a minimum, an examination of off-airport, low-altitude  
8   weather reporting needs, an assessment of technical alter-  
9   natives (including automated weather observation sta-  
10   tions), an investment analysis, and recommendations for  
11   improving weather reporting.

12      (c) REPORT.—Not later than one year after the date  
13   of enactment of this Act, the Administrator shall submit  
14   to Congress a report containing the results of the review.

15       **Subtitle B—Unmanned Aircraft**  
16                           **Systems**

17   **SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-**  
18                           **TEGRATION PLAN.**

19      (a) INTEGRATION PLAN.—

20          (1) COMPREHENSIVE PLAN.—Not later than 9  
21   months after the date of enactment of this Act, the  
22   Secretary, in consultation with representatives of the  
23   aviation industry, shall develop a comprehensive plan  
24   to safely integrate commercial unmanned aircraft  
25   systems into the national airspace system.

1           (2) MINIMUM REQUIREMENTS.—In developing  
2           the plan under paragraph (1), the Secretary shall, at  
3           a minimum—

4                   (A) review technologies and research that  
5                   will assist in facilitating the safe integration of  
6                   commercial unmanned aircraft systems into the  
7                   national airspace system;

8                   (B) provide recommendations for the rule-  
9                   making to be conducted under subsection (b)  
10                  to—

11                           (i) define the acceptable standards for  
12                           operations and certification of commercial  
13                           unmanned aircraft systems;

14                           (ii) ensure that any commercial un-  
15                           manned aircraft system includes a detect,  
16                           sense, and avoid capability; and

17                           (iii) develop standards and require-  
18                           ments for the operator or programmer of  
19                           a commercial unmanned aircraft system,  
20                           including standards and requirements for  
21                           registration and licensing;

22                   (C) recommend how best to enhance the  
23                   technologies and subsystems necessary to effect  
24                   the safe and routine operations of commercial

1           unmanned aircraft systems in the national air-  
2           space system; and

3                   (D) recommend how a phased-in approach  
4           to the integration of commercial unmanned air-  
5           craft systems into the national airspace system  
6           can best be achieved and a timeline upon which  
7           such a phase-in shall occur.

8           (3) DEADLINE.—The plan to be developed  
9           under paragraph (1) shall provide for the safe inte-  
10          gration of commercial unmanned aircraft systems  
11          into the national airspace system as soon as possible,  
12          but not later than September 30, 2012.

13          (4) REPORT TO CONGRESS.—Not later than one  
14          year after the date of enactment of this Act, the  
15          Secretary shall submit to Congress a copy of the  
16          plan developed under paragraph (1).

17          (b) RULEMAKING.—Not later than 18 months after  
18          the date on which the integration plan is submitted to  
19          Congress under subsection (a)(4), the Administrator of  
20          the Federal Aviation Administration shall publish in the  
21          Federal Register a notice of proposed rulemaking to im-  
22          plement the recommendations of the integration plan.

23          (c) AUTHORIZATION.—There are authorized to be ap-  
24          propriated such sums as may be necessary to carry out  
25          this section.

1 **SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**  
2 **CRAFT SYSTEMS.**

3 (a) **IN GENERAL.**—Notwithstanding the require-  
4 ments of sections 321 and 323, and not later than 6  
5 months after the date of enactment of this Act, the Sec-  
6 retary shall determine if certain unmanned aircraft sys-  
7 tems may operate safely in the national airspace system  
8 before completion of the plan and rulemaking required by  
9 section 321 or the guidance required by section 323.

10 (b) **ASSESSMENT OF UNMANNED AIRCRAFT SYS-**  
11 **TEMS.**—In making the determination under subsection  
12 (a), the Secretary shall determine, at a minimum—

13 (1) which types of unmanned aircraft systems,  
14 if any, as a result of their size, weight, speed, oper-  
15 ational capability, proximity to airports and popu-  
16 lation areas, and operation within visual line-of-sight  
17 do not create a hazard to users of the national air-  
18 space system or the public or pose a threat to na-  
19 tional security; and

20 (2) whether a certificate of authorization or an  
21 airworthiness certification under section 44704 of  
22 title 49, United States Code, is required for the op-  
23 eration of unmanned aircraft systems identified  
24 under paragraph (1).

25 (c) **REQUIREMENTS FOR SAFE OPERATION.**—If the  
26 Secretary determines under this section that certain un-

1 manned aircraft systems may operate safely in the na-  
2 tional airspace system, the Secretary shall establish re-  
3 quirements for the safe operation of such aircraft systems  
4 in the national airspace system.

5 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

6 Not later than 9 months after the date of enactment  
7 of this Act, the Secretary shall issue guidance regarding  
8 the operation of public unmanned aircraft systems to—

9 (1) expedite the issuance of a certificate of au-  
10 thorization process;

11 (2) provide for a collaborative process with pub-  
12 lic agencies to allow for an incremental expansion of  
13 access to the national airspace system as technology  
14 matures and the necessary safety analysis and data  
15 become available and until standards are completed  
16 and technology issues are resolved; and

17 (3) facilitate the capability of public agencies to  
18 develop and use test ranges, subject to operating re-  
19 strictions required by the Federal Aviation Adminis-  
20 tration, to test and operate unmanned aircraft sys-  
21 tems.

22 **SEC. 324. DEFINITIONS.**

23 In this subtitle, the following definitions apply:

24 (1) **CERTIFICATE OF AUTHORIZATION.**—The  
25 term “certificate of authorization” means a Federal

1 Aviation Administration grant of approval for a spe-  
2 cific flight operation.

3 (2) DETECT, SENSE, AND AVOID CAPABILITY.—  
4 The term “detect, sense, and avoid capability”  
5 means the technical capability to perform separation  
6 assurance and collision avoidance, as defined by the  
7 Federal Aviation Administration.

8 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—  
9 The term “public unmanned aircraft system” means  
10 an unmanned aircraft system that meets the quali-  
11 fications and conditions required for operation of a  
12 public aircraft, as defined by section 40102 of title  
13 49, United States Code.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Transportation.

16 (5) TEST RANGE.—The term “test range”  
17 means a defined geographic area where research and  
18 development are conducted.

19 (6) UNMANNED AIRCRAFT.—The term “un-  
20 manned aircraft” means an aircraft that is operated  
21 without the possibility of direct human intervention  
22 from within or on the aircraft.

23 (7) UNMANNED AIRCRAFT SYSTEM.—The term  
24 “unmanned aircraft system” means an unmanned  
25 aircraft and associated elements (such as commu-

1       nication links and a ground control station) that are  
2       required to operate safely and efficiently in the na-  
3       tional airspace system.

4                   **TITLE IV—AIR SERVICE**  
5                   **IMPROVEMENTS**

6       **SEC. 401. MONTHLY AIR CARRIER REPORTS.**

7       (a) IN GENERAL.—Section 41708 is amended by  
8       adding at the end the following:

9       “(c) DIVERTED AND CANCELLED FLIGHTS.—

10               “(1) MONTHLY REPORTS.—The Secretary shall  
11       require an air carrier referred to in paragraph (2)  
12       to file with the Secretary a monthly report on each  
13       flight of the air carrier that is diverted from its  
14       scheduled destination to another airport and each  
15       flight of the air carrier that departs the gate at the  
16       airport at which the flight originates but is cancelled  
17       before wheels-off time.

18               “(2) APPLICABILITY.—An air carrier that is re-  
19       quired to file a monthly airline service quality per-  
20       formance report under subsection (b) shall be sub-  
21       ject to the requirement of paragraph (1).

22               “(3) CONTENTS.—A monthly report filed by an  
23       air carrier under paragraph (1) shall include, at a  
24       minimum, the following information:

25               “(A) For a diverted flight—

1                   “(i) the flight number of the diverted  
2 flight;

3                   “(ii) the scheduled destination of the  
4 flight;

5                   “(iii) the date and time of the flight;

6                   “(iv) the airport to which the flight  
7 was diverted;

8                   “(v) wheels-on time at the diverted  
9 airport;

10                  “(vi) the time, if any, passengers  
11 deplaned the aircraft at the diverted air-  
12 port; and

13                  “(vii) if the flight arrives at the sched-  
14 uled destination airport—

15                   “(I) the gate-departure time at  
16 the diverted airport;

17                   “(II) the wheels-off time at the  
18 diverted airport;

19                   “(III) the wheels-on time at the  
20 scheduled arrival airport; and

21                   “(IV) the gate arrival time at the  
22 scheduled arrival airport.

23                  “(B) For flights cancelled after gate de-  
24 parture—



1 “(i) the flight number of the cancelled  
2 flight;

3 “(ii) the scheduled origin and destina-  
4 tion airports of the cancelled flight;

5 “(iii) the date and time of the can-  
6 celled flight;

7 “(iv) the gate-departure time of the  
8 cancelled flight; and

9 “(v) the time the aircraft returned to  
10 the gate.

11 “(4) PUBLICATION.—The Secretary shall com-  
12 pile the information provided in the monthly reports  
13 filed pursuant to paragraph (1) in a single monthly  
14 report and publish such report on the Web site of  
15 the Department of Transportation.”.

16 (b) EFFECTIVE DATE.—The Secretary of Transpor-  
17 tation shall require monthly reports pursuant to the  
18 amendment made by subsection (a) beginning not later  
19 than 90 days after the date of enactment of this Act.

20 **SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**  
21 **PORT.**

22 (a) BEYOND PERIMETER EXEMPTIONS.—Section  
23 41718(a) is amended by striking “24” and inserting “34”.

24 (b) LIMITATIONS.—Section 41718(e)(2) is amended  
25 by striking “3 operations” and inserting “5 operations”.

1 (c) ALLOCATION OF BEYOND-PERIMETER EXEMP-  
2 TIONS.—Section 41718(c) is amended —

3 (1) by redesignating paragraphs (3) and (4) as  
4 (4) and (5), respectively; and

5 (2) by inserting after paragraph (2) the fol-  
6 lowing:

7 “(3) SLOTS.—The Administrator of the Federal  
8 Aviation Administration shall reduce the hourly air  
9 carrier slot quota for Ronald Reagan Washington  
10 National Airport in section 93.123(a) of title 14,  
11 Code of Federal Regulations, by a total of 10 slots  
12 that are available for allocation. Such reductions  
13 shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00  
14 p.m. hours, as determined by the Administrator, in  
15 order to grant exemptions under subsection (a).”.

16 (d) SCHEDULING PRIORITY.—Section 41718 is  
17 amended—

18 (1) by redesignating subsections (e) and (f) as  
19 subsections (f) and (g), respectively; and

20 (2) by inserting after subsection (d) the fol-  
21 lowing:

22 “(e) SCHEDULING PRIORITY.—Operations conducted  
23 by new entrant air carriers and limited incumbent air car-  
24 riers shall be afforded a scheduling priority over oper-  
25 ations conducted by other air carriers granted exemptions

1 pursuant to this section, with the highest scheduling pri-  
2 ority to be afforded to beyond-perimeter operations con-  
3 ducted by new entrant air carriers and limited incumbent  
4 air carriers.”.

5 **SEC. 403. EAS CONTRACT GUIDELINES.**

6 Section 41737(a)(1) is amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (B);

9 (2) in subparagraph (C) by striking “provided.”  
10 and inserting “provided;”; and

11 (3) by adding at the end the following:

12 “(D) include provisions under which the Sec-  
13 retary may encourage an air carrier to improve air  
14 service for which compensation is being paid under  
15 this subchapter by incorporating financial incentives  
16 in an essential air service contract based on specified  
17 performance goals; and

18 “(E) include provisions under which the Sec-  
19 retary may execute a long-term essential air service  
20 contract to encourage an air carrier to provide air  
21 service to an eligible place if it would be in the pub-  
22 lic interest to do so.”.

1   **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

2       (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3   41742(a)(2) is amended by striking “\$77,000,000” and  
4   inserting “\$83,000,000”.

5       (b) DISTRIBUTION OF EXCESS FUNDS.—

6           (1) IN GENERAL.—Section 41742(a) is amend-  
7   ed by adding at the end the following:

8           “(4) DISTRIBUTION OF EXCESS FUNDS.—Of  
9   the funds, if any, credited to the account established  
10   under section 45303 in a fiscal year that exceed the  
11   \$50,000,000 made available for such fiscal year  
12   under paragraph (1)—

13           “(A) one-half shall be made available im-  
14   mediately for obligation and expenditure to  
15   carry out section 41743; and

16           “(B) one-half shall be made available im-  
17   mediately for obligation and expenditure to  
18   carry out subsection (b).”.

19       (2) CONFORMING AMENDMENT.—Section  
20   41742(b) is amended—

21           (A) in the first sentence by striking “mon-  
22   eys credited” and all that follows before “shall  
23   be used” and inserting “amounts made avail-  
24   able under subsection (a)(4)(B)”; and

1 (B) in the second sentence by striking  
2 “any amounts from those fees” and inserting  
3 “any of such amounts”.

4 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

5 (a) PRIORITIES.—Section 41743(c)(5) is amended—

6 (1) by striking “and” at the end of subpara-  
7 graph (D);

8 (2) in subparagraph (E) by striking “fashion.”  
9 and inserting “fashion; and”; and

10 (3) by adding at the end the following:

11 “(F) multiple communities cooperate to  
12 submit a regional or multistate application to  
13 improve air service.”.

14 (b) EXTENSION OF AUTHORIZATION.—Section  
15 41743(e)(2) is amended by striking “2008” and inserting  
16 “2011”.

17 **SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.**

18 (a) IN GENERAL.—Subtitle VII is amended by insert-  
19 ing after chapter 421 the following:

20 **“CHAPTER 423—AIR PASSENGER SERVICE**  
21 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

1   **“§ 42301. Emergency contingency plans**

2       “(a) SUBMISSION OF AIR CARRIER AND AIRPORT  
3 PLANS.—Not later than 90 days after the date of enact-  
4 ment of this section, each air carrier providing covered air  
5 transportation at a large hub airport or medium hub air-  
6 port and each operator of a large hub airport or medium  
7 hub airport shall submit to the Secretary of Transpor-  
8 tation for review and approval an emergency contingency  
9 plan in accordance with the requirements of this section.

10       “(b) COVERED AIR TRANSPORTATION DEFINED.—In  
11 this section, the term ‘covered air transportation’ means  
12 scheduled passenger air transportation provided by an air  
13 carrier using aircraft with more than 60 seats.

14       “(c) AIR CARRIER PLANS.—

15           “(1) PLANS FOR INDIVIDUAL AIRPORTS.—An  
16 air carrier shall submit an emergency contingency  
17 plan under subsection (a) for—

18               “(A) each large hub airport and medium  
19 hub airport at which the carrier provides cov-  
20 ered air transportation; and

21               “(B) each large hub airport and medium  
22 hub airport at which the carrier has flights for  
23 which it has primary responsibility for inventory  
24 control.

25           “(2) CONTENTS.—An emergency contingency  
26 plan submitted by an air carrier for an airport under

1 subsection (a) shall contain a description of how the  
2 air carrier will—

3 “(A) provide food, water, restroom facili-  
4 ties, cabin ventilation, and access to medical  
5 treatment for passengers onboard an aircraft at  
6 the airport that is on the ground for an ex-  
7 tended period of time without access to the ter-  
8 minal; and

9 “(B) share facilities and make gates avail-  
10 able at the airport in an emergency.

11 “(d) AIRPORT PLANS.—An emergency contingency  
12 plan submitted by an airport operator under subsection  
13 (a) shall contain a description of how the airport operator,  
14 to the maximum extent practicable, will provide for the  
15 sharing of facilities and make gates available at the air-  
16 port in an emergency.

17 “(e) UPDATES.—

18 “(1) AIR CARRIERS.—An air carrier shall up-  
19 date the emergency contingency plan submitted by  
20 the air carrier under subsection (a) every 3 years  
21 and submit the update to the Secretary for review  
22 and approval.

23 “(2) AIRPORTS.—An airport operator shall up-  
24 date the emergency contingency plan submitted by  
25 the airport operator under subsection (a) every 5

1 years and submit the update to the Secretary for re-  
2 view and approval.

3 “(f) APPROVAL.—The Secretary shall review and ap-  
4 prove emergency contingency plans submitted under sub-  
5 section (a) and updates submitted under subsection (e) to  
6 ensure that the plans and updates will effectively address  
7 emergencies and provide for the health and safety of pas-  
8 sengers.

9 **“§ 42302. Consumer complaints**

10 “(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE  
11 NUMBER.—The Secretary of Transportation shall estab-  
12 lish a consumer complaints hotline telephone number for  
13 the use of passengers in air transportation.

14 “(b) PUBLIC NOTICE.—The Secretary shall notify  
15 the public of the telephone number established under sub-  
16 section (a).

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as may be  
19 necessary to carry out this section. Such sums shall re-  
20 main available until expended.

21 **“§ 42303. Use of insecticides in passenger aircraft**

22 “No air carrier, foreign air carrier, or ticket agent  
23 may sell in the United States a ticket for air transpor-  
24 tation for a flight on which an insecticide is planned to  
25 be used in the aircraft while passengers are on board the



1 aircraft unless the air carrier, foreign air carrier, or ticket  
2 agent selling the ticket first informs the person purchasing  
3 the ticket of the planned use of the insecticide, including  
4 the name of the insecticide.”.

5 (b) CLERICAL AMENDMENT.—The analysis for sub-  
6 title VII is amended by inserting after the item relating  
7 to chapter 421 the following:

“423. Air Passenger Service Improvements ..... 42301”.

8 (c) PENALTIES.—Section 46301 is amended in sub-  
9 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter  
10 423,” after “chapter 421,”.

11 (d) APPLICABILITY OF REQUIREMENTS.—Except as  
12 otherwise specifically provided, the requirements of chap-  
13 ter 423 of title 49, United States Code, as added by this  
14 section, shall begin to apply 60 days after the date of en-  
15 actment of this Act.

16 **SEC. 407. CONTENTS OF COMPETITION PLANS.**

17 Section 47106(f)(2) is amended—

18 (1) by striking “patterns of air service,”;

19 (2) by inserting “and” before “whether”; and

20 (3) by striking “ , and airfare levels” and all

21 that follows before the period.

22 **SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

23 Section 47107(s)(3) is amended by striking “2008”

24 and inserting “2012”.

1   **SEC. 409. CONTRACT TOWER PROGRAM.**

2           (a)     COST-BENEFIT     REQUIREMENT.—Section  
3 47124(b) is amended—

4           (1) by striking “(1) The Secretary” and insert-  
5     ing the following:

6           “(1) CONTRACT TOWER PROGRAM.—

7           “(A) CONTINUATION AND EXTENSION.—  
8     The Secretary”;

9           (2) by adding at the end of paragraph (1) the  
10    following:

11           “(B) SPECIAL RULE.—If the Secretary de-  
12    termines that a tower already operating under  
13    the program continued under this paragraph  
14    has a benefit to cost ratio of less than 1.0, the  
15    airport sponsor or State or local government  
16    having jurisdiction over the airport shall not be  
17    required to pay the portion of the costs that ex-  
18    ceeds the benefit for a period of 18 months  
19    after such determination is made.

20           “(C) USE OF EXCESS FUNDS.—If the Sec-  
21    retary finds that all or part of an amount made  
22    available to carry out the program continued  
23    under this paragraph is not required during a  
24    fiscal year, the Secretary may use, during such  
25    fiscal year, the amount not so required to carry

1 out the program established under paragraph  
2 (3).”; and

3 (3) by striking “(2) The Secretary” and insert-  
4 ing the following:

5 “(2) GENERAL AUTHORITY.—The Secretary”.

6 (b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-  
7 SHARING PROGRAM.—

8 (1) FUNDING.—Section 47124(b)(3)(E) is  
9 amended—

10 (A) by striking “and”; and

11 (B) by inserting “, \$8,500,000 for fiscal  
12 year 2008, \$9,000,000 for fiscal year 2009,  
13 \$9,500,000 for fiscal year 2010, and  
14 \$10,000,000 for fiscal year 2011” after  
15 “2007”.

16 (2) USE OF EXCESS FUNDS.—Section  
17 47124(b)(3) is amended—

18 (A) by redesignating subparagraph (E) (as  
19 amended by paragraph (1) of this subsection)  
20 as subparagraph (F); and

21 (B) by inserting after subparagraph (D)  
22 the following:

23 “(E) USE OF EXCESS FUNDS.—If the Sec-  
24 retary finds that all or part of an amount made  
25 available under this subparagraph is not re-

1           quired during a fiscal year to carry out this  
2           paragraph, the Secretary may use, during such  
3           fiscal year, the amount not so required to carry  
4           out the program continued under paragraph  
5           (1).”.

6           (c) **FEDERAL SHARE.**—Section 47124(b)(4)(C) is  
7           amended by striking “\$1,500,000” and inserting  
8           “\$2,000,000”.

9           (d) **SAFETY AUDITS.**—Section 47124 is amended by  
10          adding at the end the following:

11          “(c) **SAFETY AUDITS.**—The Secretary shall establish  
12          uniform standards and requirements for safety assess-  
13          ments of air traffic control towers that receive funding  
14          under this section.”.

15   **SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED**  
16                           **FORCES.**

17          (a) **FINDINGS.**—Congress finds that—

18               (1) the Armed Forces is comprised of approxi-  
19               mately 1,400,000 members who are stationed on ac-  
20               tive duty at more than 6,000 military bases in 146  
21               different countries;

22               (2) the United States is indebted to the mem-  
23               bers of the Armed Forces, many of whom are in  
24               grave danger due to their engagement in, or expo-  
25               sure to, combat;

1           (3) military service, especially in the current  
2 war against terrorism, often requires members of the  
3 Armed Forces to be separated from their families on  
4 short notice, for long periods of time, and under  
5 very stressful conditions;

6           (4) the unique demands of military service often  
7 preclude members of the Armed Forces from pur-  
8 chasing discounted advance airline tickets in order  
9 to visit their loved ones at home; and

10          (5) it is the patriotic duty of the people of the  
11 United States to support the members of the Armed  
12 Forces who are defending the Nation's interests  
13 around the world at great personal sacrifice.

14          (b) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that each United States air carrier should—

16           (1) establish for all members of the Armed  
17 Forces on active duty reduced air fares that are  
18 comparable to the lowest airfare for ticketed flights;  
19 and

20           (2) offer flexible terms that allow members of  
21 the Armed Forces on active duty to purchase, mod-  
22 ify, or cancel tickets without time restrictions, fees,  
23 and penalties.

1   **SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY**  
2                   **ASSISTIVE DEVICES.**

3       Not later than December 31, 2007, the Secretary of  
4   Transportation shall issue a final rule regarding the car-  
5   riage and use of passenger-owned portable electronic res-  
6   piratory assistive devices and carrier-supplied medical oxy-  
7   gen devices aboard commercial flights to improve accom-  
8   modations in air travel for passengers with respiratory dis-  
9   abilities.

10 **TITLE                   V—ENVIRONMENTAL**  
11 **STEWARDSHIP AND STREAM-**  
12 **LINING**

13 **SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO-**  
14 **GRAM.**

15       Section 40128 is amended—

16           (1) in subsection (a)(1)(C) by inserting “or vol-  
17   untary agreement under subsection (b)(7)” before  
18   “for the park”;

19           (2) in subsection (a) by adding at the end the  
20   following:

21           “(5) EXEMPTION.—

22                   “(A) IN GENERAL.—Notwithstanding para-  
23   graph (1), a national park that has 50 or fewer  
24   commercial air tour flights a year shall be ex-  
25   empt from the requirements of this section, ex-  
26   cept as provided in subparagraph (B).

1           “(B) WITHDRAWAL OF EXEMPTION.—If  
2           the Director determines that an air tour man-  
3           agement plan or voluntary agreement is nec-  
4           essary to protect park resources and values or  
5           park visitor use and enjoyment, the Director  
6           shall withdraw the exemption of a park under  
7           subparagraph (A).

8           “(C) LIST OF PARKS.—The Director shall  
9           inform the Administrator, in writing, of each  
10          determination under subparagraph (B). The Di-  
11          rector and Administrator shall publish an an-  
12          nual list of national parks that are covered by  
13          the exemption provided by this paragraph.

14          “(D) ANNUAL REPORT.—A commercial air  
15          tour operator conducting commercial air tours  
16          in a national park that is exempt from the re-  
17          quirements of this section shall submit to the  
18          Administrator and the Director an annual re-  
19          port regarding the number of commercial air  
20          tour flights it conducts each year in such  
21          park.”;

22          (3) in subsection (b) by adding at the end the  
23          following:

24          “(7) VOLUNTARY AGREEMENTS.—

1           “(A) IN GENERAL.—As an alternative to  
2           an air tour management plan, the Director and  
3           the Administrator may enter into a voluntary  
4           agreement with a commercial air tour operator  
5           (including a new entrant applicant and an oper-  
6           ator that has interim operating authority) that  
7           has applied to conduct air tour operations over  
8           a national park to manage commercial air tour  
9           operations over such national park.

10          “(B) PARK PROTECTION.—A voluntary  
11          agreement under this paragraph with respect to  
12          commercial air tour operations over a national  
13          park shall address the management issues nec-  
14          essary to protect the resources of such park and  
15          visitor use of such park without compromising  
16          aviation safety or the air traffic control system  
17          and may—

18               “(i) include provisions such as those  
19               described in subparagraphs (B) through  
20               (E) of paragraph (3);

21               “(ii) include provisions to ensure the  
22               stability of, and compliance with, the vol-  
23               untary agreement; and

24               “(iii) provide for fees for such oper-  
25               ations.



1           “(C) PUBLIC.—The Director and the Ad-  
2           ministrator shall provide an opportunity for  
3           public review of a proposed voluntary agree-  
4           ment under this paragraph and shall consult  
5           with any Indian tribe whose tribal lands are, or  
6           may be, flown over by a commercial air tour op-  
7           erator under a voluntary agreement under this  
8           paragraph. After such opportunity for public re-  
9           view and consultation, the voluntary agreement  
10          may be implemented without further adminis-  
11          trative or environmental process beyond that  
12          described in this subsection.

13          “(D) TERMINATION.—A voluntary agree-  
14          ment under this paragraph may be terminated  
15          at any time at the discretion of the Director or  
16          the Administrator if the Director determines  
17          that the agreement is not adequately protecting  
18          park resources or visitor experiences or the Ad-  
19          ministrator determines that the agreement is  
20          adversely affecting aviation safety or the na-  
21          tional aviation system. If a voluntary agreement  
22          for a national park is terminated, the operators  
23          shall conform to the requirements for interim  
24          operating authority under subsection (c) until

1 an air tour management plan for the park is in  
2 effect.”;

3 (4) in subsection (c) by striking paragraph  
4 (2)(I) and inserting the following:

5 “(I) may allow for modifications of the in-  
6 terim operating authority without further envi-  
7 ronmental review beyond that described in this  
8 section if—

9 “(i) adequate information regarding  
10 the operator’s existing and proposed oper-  
11 ations under the interim operating author-  
12 ity is provided to the Administrator and  
13 the Director;

14 “(ii) the Administrator determines  
15 that there would be no adverse impact on  
16 aviation safety or the air traffic control  
17 system; and

18 “(iii) the Director agrees with the  
19 modification, based on the Director’s pro-  
20 fessional expertise regarding the protection  
21 of the park resources and values and vis-  
22 itor use and enjoyment.”;

23 (5) in subsection (c)(3)(A) by striking “if the  
24 Administrator determines” and all that follows  
25 through the period at the end and inserting “without

1 further environmental process beyond that described  
2 in this paragraph if—

3 “(i) adequate information on the oper-  
4 ator’s proposed operations is provided to  
5 the Administrator and the Director by the  
6 operator making the request;

7 “(ii) the Administrator agrees that  
8 there would be no adverse impact on avia-  
9 tion safety or the air traffic control sys-  
10 tem; and

11 “(iii) the Director agrees, based on  
12 the Director’s professional expertise re-  
13 garding the protection of park resources  
14 and values and visitor use and enjoy-  
15 ment.”; and

16 (6) by redesignating subsections (d), (e), and  
17 (f) as subsections (e), (f), and (g), respectively; and

18 (7) by inserting after subsection (c) the fol-  
19 lowing:

20 “(d) COMMERCIAL AIR TOUR OPERATOR RE-  
21 PORTS.—

22 “(1) REPORT.—Each commercial air tour oper-  
23 ator providing a commercial air tour over a national  
24 park under interim operating authority granted  
25 under subsection (c) or in accordance with an air

1       tour management plan under subsection (b) shall  
2       submit a report to the Administrator and Director  
3       regarding the number of its commercial air tour op-  
4       erations over each national park and such other in-  
5       formation as the Administrator and Director may  
6       request in order to facilitate administering the provi-  
7       sions of this section.

8           “(2) REPORT SUBMISSION.—Not later than 3  
9       months after the date of enactment of the FAA Re-  
10      authorization Act of 2007, the Administrator and  
11      Director shall jointly issue an initial request for re-  
12      ports under this subsection. The reports shall be  
13      submitted to the Administrator and Director on a  
14      frequency and in a format prescribed by the Admin-  
15      istrator and Director.”.

16   **SEC. 502. STATE BLOCK GRANT PROGRAM.**

17      (a) GENERAL REQUIREMENTS.—Section 47128(a) is  
18      amended—

19           (1) in the first sentence by striking “prescribe  
20      regulations” and inserting “issue guidance”; and

21           (2) in the second sentence by striking “regula-  
22      tions” and inserting “guidance”.

23      (b) APPLICATIONS AND SELECTION.—Section  
24      47128(b)(4) is amended by inserting before the semicolon  
25      the following: “, including the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and  
2 local environmental policy acts, Executive Orders, agency  
3 regulations and guidance, and other Federal environ-  
4 mental requirements”.

5 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION  
6 REQUIREMENTS.—Section 47128 is amended by adding at  
7 the end the following:

8 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-  
9 TION REQUIREMENTS.—A Federal agency, other than the  
10 Federal Aviation Administration, that is responsible for  
11 issuing an approval, license, or permit to ensure compli-  
12 ance with a Federal environmental requirement applicable  
13 to a project or activity to be carried out by a State using  
14 amounts from a block grant made under this section  
15 shall—

16 “(1) coordinate and consult with the State;

17 “(2) use the environmental analysis prepared by  
18 the State for the project or activity if such analysis  
19 is adequate; and

20 “(3) supplement such analysis, as necessary, to  
21 meet applicable Federal requirements.”.

1   **SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
2                   **VIEWS.**

3       Section 47173(a) is amended by striking “services of  
4 consultants in order to” and all that follows through the  
5 period at the end and inserting “services of consultants—

6           “(1) to facilitate the timely processing, review,  
7 and completion of environmental activities associated  
8 with an airport development project;

9           “(2) to conduct special environmental studies  
10 related to an airport project funded with Federal  
11 funds;

12          “(3) to conduct special studies or reviews to  
13 support approved noise compatibility measures de-  
14 scribed in part 150 of title 14, Code of Federal Reg-  
15 ulations; or

16          “(4) to conduct special studies or reviews to  
17 support environmental mitigation in a record of deci-  
18 sion or finding of no significant impact by the Fed-  
19 eral Aviation Administration.”.

20   **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
21                   **PROCEDURES.**

22       Section 47504 is amended by adding at the end the  
23 following:

24       “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
25 DURES.—

1           “(1) IN GENERAL.—In accordance with sub-  
2           section (c)(1), the Secretary may make a grant to an  
3           airport operator to assist in completing environ-  
4           mental review and assessment activities for pro-  
5           posals to implement flight procedures at such airport  
6           that have been approved as part of an airport noise  
7           compatibility program under subsection (b).

8           “(2) ADDITIONAL STAFF.—The Administrator  
9           may accept funds from an airport operator, includ-  
10          ing funds provided to the operator under paragraph  
11          (1), to hire additional staff or obtain the services of  
12          consultants in order to facilitate the timely proc-  
13          essing, review, and completion of environmental ac-  
14          tivities associated with proposals to implement flight  
15          procedures at such airport that have been approved  
16          as part of an airport noise compatibility program  
17          under subsection (b).

18          “(3) RECEIPTS CREDITED AS OFFSETTING COL-  
19          LECTIONS.—Notwithstanding section 3302 of title  
20          31, any funds accepted under this section—

21                 “(A) shall be credited as offsetting collec-  
22                 tions to the account that finances the activities  
23                 and services for which the funds are accepted;

1           “(B) shall be available for expenditure only  
2           to pay the costs of activities and services for  
3           which the funds are accepted; and

4           “(C) shall remain available until ex-  
5           pended.”.

6   **SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLE-**  
7           **MENTATION PARTNERSHIP.**

8       (a) COOPERATIVE AGREEMENT.—Subchapter I of  
9   chapter 475 is amended by adding at the end the fol-  
10   lowing:

11   **“§ 47511. CLEEN research, development, and imple-**  
12           **mentation partnership**

13       “(a) IN GENERAL.—The Administrator of the Fed-  
14   eral Aviation Administration, in coordination with the Ad-  
15   ministrator of the National Aeronautics and Space Admin-  
16   istration, shall enter into a cooperative agreement, using  
17   a competitive process, with an institution, entity, or con-  
18   sortium to carry out a program for the development, ma-  
19   turing, and certification of CLEEN engine and airframe  
20   technology for aircraft over the next 10 years.

21       “(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY  
22   DEFINED.—In this section, the term ‘CLEEN engine and  
23   airframe technology’ means continuous lower energy,  
24   emissions, and noise engine and airframe technology.



1       “(c) PERFORMANCE OBJECTIVE.—The Adminis-  
2 trator of the Federal Aviation Administration, in coordina-  
3 tion with the Administrator of the National Aeronautics  
4 and Space Administration, shall establish the following  
5 performance objectives for the program, to be achieved by  
6 September 30, 2015:

7           “(1) Development of certifiable aircraft tech-  
8 nology that reduces greenhouse gas emissions by in-  
9 creasing aircraft fuel efficiency by 25 percent rel-  
10 ative to 1997 subsonic jet aircraft technology.

11           “(2) Development of certifiable engine tech-  
12 nology that reduces landing and takeoff cycle nitro-  
13 gen oxide emissions by 50 percent, without increas-  
14 ing other gaseous or particle emissions, over the  
15 International Civil Aviation Organization standard  
16 adopted in 2004.

17           “(3) Development of certifiable aircraft tech-  
18 nology that reduces noise levels by 10 decibels at  
19 each of the 3 certification points relative to 1997  
20 subsonic jet aircraft technology.

21           “(4) Determination of the feasibility of the use  
22 of alternative fuels in aircraft systems, including  
23 successful demonstration and quantification of the  
24 benefits of such fuels.

1           “(5) Determination of the extent to which new  
2       engine and aircraft technologies may be used to ret-  
3       rofit or re-engine aircraft to increase the integration  
4       of retrofitted and re-engined aircraft into the com-  
5       mercial fleet.

6           “(d) FUNDING.—Of amounts appropriated under sec-  
7       tion 48102(a), not more than the following amounts may  
8       be used to carry out this section:

9           “(1) \$6,000,000 for fiscal year 2008.

10          “(2) \$22,000,000 for fiscal year 2009.

11          “(3) \$33,000,000 for fiscal year 2010.

12          “(4) \$50,000,000 for fiscal year 2011.

13          “(e) REPORT.—Beginning in fiscal year 2009, the  
14       Administrator of the Federal Aviation Administration  
15       shall publish an annual report on the program established  
16       under this section until completion of the program.”.

17          (b) CLERICAL AMENDMENT.—The analysis for such  
18       subchapter is amended by adding at the end the following:

          “47511. CLEEN research, development, and implementation partnership.”.

19       **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**  
20                               **WEIGHING 75,000 POUNDS OR LESS NOT COM-**  
21                               **PLYING WITH STAGE 3 NOISE LEVELS.**

22          (a) IN GENERAL.—Subchapter II of chapter 475 is  
23       amended by adding at the end the following:

1   **“§ 47534. Prohibition on operating certain aircraft**  
2                   **weighing 75,000 pounds or less not com-**  
3                   **plying with stage 3 noise levels**

4       “(a) PROHIBITION.—Except as provided in sub-  
5 section (b), (c), or (d), after December 31, 2012, a person  
6 may not operate a civil subsonic jet airplane with a max-  
7 imum weight of 75,000 pounds or less, and for which an  
8 airworthiness certificate other than an experimental cer-  
9 tificate has been issued, to or from an airport in the  
10 United States unless the Secretary of Transportation  
11 finds that the aircraft complies with stage 3 noise levels.

12       “(b) EXCEPTION.—Subsection (a) shall not apply to  
13 aircraft operated only outside the 48 contiguous States.

14       “(c) EXCEPTIONS.—The Secretary may allow tem-  
15 porary operation of an airplane otherwise prohibited from  
16 operation under subsection (a) to or from an airport in  
17 the contiguous United States by granting a special flight  
18 authorization for one or more of the following cir-  
19 cumstances:

20           “(1) To sell, lease, or use the aircraft outside  
21 the 48 contiguous States.

22           “(2) To scrap the aircraft.

23           “(3) To obtain modifications to the aircraft to  
24 meet stage 3 noise levels.

25           “(4) To perform scheduled heavy maintenance  
26 or significant modifications on the aircraft at a

1 maintenance facility located in the contiguous 48  
2 States.

3 “(5) To deliver the aircraft to an operator leas-  
4 ing the aircraft from the owner or return the air-  
5 craft to the lessor.

6 “(6) To prepare, park, or store the aircraft in  
7 anticipation of any of the activities described in  
8 paragraphs (1) through (5).

9 “(7) To provide transport of persons and goods  
10 in the relief of emergency situations.

11 “(8) To divert the aircraft to an alternative air  
12 port in the 48 contiguous States on account of  
13 weather, mechanical, fuel, air traffic control, or  
14 other safety reasons while conducting a flight in  
15 order to perform any of the activities described in  
16 paragraphs (1) through (7).

17 “(d) STATUTORY CONSTRUCTION.—Nothing in the  
18 section may be construed as interfering with, nullifying,  
19 or otherwise affecting determinations made by the Federal  
20 Aviation Administration, or to be made by the Administra-  
21 tion, with respect to applications under part 161 of title  
22 14, Code of Federal Regulations, that were pending on  
23 the date of enactment of this section.”.

24 (b) CONFORMING AMENDMENTS.—

25 (1) Section 47531 is amended—

1 (A) in the section heading by striking “**for**  
2 **violating sections 47528–47530**”; and

3 (B) by striking “47529, or 47530” and in-  
4 serting “47529, 47530, or 47534”.

5 (2) Section 47532 is amended by inserting “or  
6 47534” after “47528–47531”.

7 (3) The analysis for chapter 475 is amended—

8 (A) by striking the item relating to section  
9 47531 and inserting the following:

“47531. Penalties.”; and

10 (B) by inserting after the item relating to  
11 section 47533 the following:

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or  
less not complying with stage 3 noise levels.”.

12 **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

13 (a) **ESTABLISHMENT.**—The Secretary of Transpor-  
14 tation shall establish a pilot program to carry out not  
15 more than 6 environmental mitigation demonstration  
16 projects at public-use airports.

17 (b) **GRANTS.**—In implementing the program, the Sec-  
18 retary may make a grant to the sponsor of a public-use  
19 airport from funds apportioned under section  
20 47117(e)(1)(A) of title 49, United States Code, to carry  
21 out an environmental mitigation demonstration project to  
22 measurably reduce or mitigate aviation impacts on noise,  
23 air quality, or water quality in the vicinity of the airport.

1 (c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—

2 An environmental mitigation demonstration project that  
3 receives funds made available under this section may be  
4 considered an eligible airport-related project for purposes  
5 of section 40117 of such title.

6 (d) SELECTION CRITERIA.—In selecting among ap-  
7 plicants for participation in the program, the Secretary  
8 shall give priority consideration to applicants proposing to  
9 carry out environmental mitigation demonstration projects  
10 that will—

11 (1) achieve the greatest reductions in aircraft  
12 noise, airport emissions, or airport water quality im-  
13 pacts either on an absolute basis or on a per dollar  
14 of funds expended basis; and

15 (2) be implemented by an eligible consortium.

16 (e) FEDERAL SHARE.—Notwithstanding any provi-  
17 sion of subchapter I of chapter 471 of such title, the  
18 United States Government share of allowable project costs  
19 of an environmental mitigation demonstration project car-  
20 ried out under this section shall be 50 percent.

21 (f) MAXIMUM AMOUNT.—The Secretary may not  
22 make grants for a single environmental mitigation dem-  
23 onstration project under this section in a total amount  
24 that exceeds \$2,500,000.

1 (g) PUBLICATION OF INFORMATION.—The Secretary  
2 may develop and publish information on the results of en-  
3 vironmental mitigation demonstration projects carried out  
4 under this section, including information identifying best  
5 practices for reducing or mitigating aviation impacts on  
6 noise, air quality, or water quality in the vicinity of air-  
7 ports.

8 (h) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

10 (1) ELIGIBLE CONSORTIUM.—The term “eligi-  
11 ble consortium” means a consortium of 2 or more of  
12 the following entities:

13 (A) A business incorporated in the United  
14 States.

15 (B) A public or private educational or re-  
16 search organization located in the United  
17 States.

18 (C) An entity of a State or local govern-  
19 ment.

20 (D) A Federal laboratory.

21 (2) ENVIRONMENTAL MITIGATION DEMONSTRA-  
22 TION PROJECT.—The term “environmental mitiga-  
23 tion demonstration project” means a project that—

24 (A) demonstrates at a public-use airport  
25 environmental mitigation techniques or tech-

1 nologies with associated benefits, which have al-  
2 ready been proven in laboratory demonstra-  
3 tions;

4 (B) utilizes methods for efficient adapta-  
5 tion or integration of innovative concepts to air-  
6 port operations; and

7 (C) demonstrates whether a technique or  
8 technology for environmental mitigation identi-  
9 fied in research is—

10 (i) practical to implement at or near  
11 multiple public-use airports; and

12 (ii) capable of reducing noise, airport  
13 emissions, greenhouse gas emissions, or  
14 water quality impacts in measurably sig-  
15 nificant amounts.

16 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**  
17 **PILOT PROGRAM.**

18 (a) IN GENERAL.—The Secretary of Transportation  
19 shall carry out a pilot program at not more than 5 public-  
20 use airports under which the Federal Aviation Administra-  
21 tion shall use funds made available under section 48101(a)  
22 to test air traffic flow management tools, methodologies,  
23 and procedures that will allow air traffic controllers of the  
24 Administration to better manage the flow of aircraft on



1 the ground and reduce the length of ground holds and  
2 idling time for aircraft.

3 (b) SELECTION CRITERIA.—In selecting from among  
4 airports at which to conduct the pilot program, the Sec-  
5 retary shall give priority consideration to airports at which  
6 improvements in ground control efficiencies are likely to  
7 achieve the greatest fuel savings or air quality or other  
8 environmental benefits, as measured by the amount of re-  
9 duced fuel, reduced emissions, or other environmental ben-  
10 efits per dollar of funds expended under the pilot program.

11 (c) MAXIMUM AMOUNT.—Not more than a total of  
12 \$5,000,000 may be expended under the pilot program at  
13 any single public-use airport.

14 (d) REPORT TO CONGRESS.—Not later than 3 years  
15 after the date of the enactment of this section, the Sec-  
16 retary shall submit to the Committee on Transportation  
17 and Infrastructure of the House of Representatives and  
18 the Committee on Commerce, Science, and Transportation  
19 of the Senate a report containing—

20 (1) an evaluation of the effectiveness of the  
21 pilot program, including an assessment of the tools,  
22 methodologies, and procedures that provided the  
23 greatest fuel savings and air quality and other envi-  
24 ronmental benefits, and any impacts on safety, ca-  
25 pacity, or efficiency of the air traffic control system

1 or the airports at which affected aircraft were oper-  
2 ating;

3 (2) an identification of anticipated benefits  
4 from implementation of the tools, methodologies,  
5 and procedures developed under the pilot program at  
6 other airports;

7 (3) a plan for implementing the tools, meth-  
8 odologies, and procedures developed under the pilot  
9 program at other airports or the Secretary's reasons  
10 for not implementing such measures at other air-  
11 ports; and

12 (4) such other information as the Secretary  
13 considers appropriate.

14 **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**  
15 **TRAFFIC CONTROL FACILITIES.**

16 (a) IN GENERAL.—The Administrator of the Federal  
17 Aviation Administration shall implement, to the maximum  
18 extent practicable, sustainable practices for the incorpora-  
19 tion of energy-efficient design, equipment, systems, and  
20 other measures in the construction and major renovation  
21 of air traffic control facilities of the Administration in  
22 order to reduce energy consumption and improve the envi-  
23 ronmental performance of such facilities.

24 (b) AUTHORIZATION.—Of amounts appropriated  
25 under section 48101(a) of title 49, United States Code,

1 such sums as may be necessary may be used to carry out  
2 this section.

3 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**  
4 **ENGINE NOISE AND EMISSIONS STANDARDS.**

5 (a) INDEPENDENT REVIEW.—The Administrator of  
6 the FAA shall make appropriate arrangements for the Na-  
7 tional Academy of Public Administration or another quali-  
8 fied independent entity to review, in consultation with the  
9 FAA and the EPA, whether it is desirable to locate the  
10 regulatory responsibility for the establishment of engine  
11 noise and emissions standards for civil aircraft within one  
12 of the agencies.

13 (b) CONSIDERATIONS.—The review shall be con-  
14 ducted so as to take into account—

15 (1) the interrelationships between aircraft en-  
16 gine noise and emissions;

17 (2) the need for aircraft engine noise and emis-  
18 sions to be evaluated and addressed in an integrated  
19 and comprehensive manner;

20 (3) the scientific expertise of the FAA and the  
21 EPA to evaluate aircraft engine emissions and noise  
22 impacts on the environment;

23 (4) expertise to interface environmental per-  
24 formance with ensuring the highest safe and reliable  
25 engine performance of aircraft in flight;

1           (5) consistency of the regulatory responsibility  
2           with other missions of the FAA and the EPA;

3           (6) past effectiveness of the FAA and the EPA  
4           in carrying out the aviation environmental respon-  
5           sibilities assigned to the agency; and

6           (7) the international responsibility to represent  
7           the United States with respect to both engine noise  
8           and emissions standards for civil aircraft

9       (c) REPORT TO CONGRESS.—Not later than 6  
10       months after the date of enactment of this Act, the Ad-  
11       ministrators of the FAA shall submit to Congress a report  
12       on the results of the review. The report shall include any  
13       recommendations developed as a result of the review and,  
14       if a transfer of responsibilities is recommended, a descrip-  
15       tion of the steps and timeline for implementation of the  
16       transfer.

17       (d) DEFINITIONS.—In this section, the following defi-  
18       nitions apply:

19           (1) EPA.—The term “EPA” means the Envi-  
20           ronmental Protection Agency.

21           (2) FAA.—The term “FAA” means the Fed-  
22           eral Aviation Administration.

1 **TITLE VI—FAA EMPLOYEES AND**  
2 **ORGANIZATION**

3 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**  
4 **SONNEL MANAGEMENT SYSTEM.**

5 (a) DISPUTE RESOLUTION.—Section 40122(a) is  
6 amended—

7 (1) by redesignating paragraphs (3) and (4) as  
8 paragraphs (5) and (6), respectively; and

9 (2) by striking paragraph (2) and inserting the  
10 following:

11 “(2) DISPUTE RESOLUTION.—

12 “(A) MEDIATION.—If the Administrator  
13 does not reach an agreement under paragraph  
14 (1) or the provisions referred to in subsection  
15 (g)(2)(C) with the exclusive bargaining rep-  
16 resentative of the employees, the Administrator  
17 and the bargaining representative—

18 “(i) shall use the services of the Fed-  
19 eral Mediation and Conciliation Service to  
20 attempt to reach such agreement in ac-  
21 cordance with part 1425 of title 29, Code  
22 of Federal Regulations (as in effect on the  
23 date of enactment of the FAA Reauthor-  
24 ization Act of 2007); or

1           “(ii) may by mutual agreement adopt  
2           alternative procedures for the resolution of  
3           disputes or impasses arising in the negotia-  
4           tion of the collective-bargaining agreement.

5           “(B) BINDING ARBITRATION.—

6           “(i) ASSISTANCE FROM FEDERAL  
7           SERVICE IMPASSES PANEL.—If the services  
8           of the Federal Mediation and Conciliation  
9           Service under subparagraph (A)(i) do not  
10          lead to an agreement, the Administrator  
11          and the exclusive bargaining representative  
12          of the employees (in this subparagraph re-  
13          ferred to as the ‘parties’) shall submit  
14          their issues in controversy to the Federal  
15          Service Impasses Panel. The Panel shall  
16          assist the parties in resolving the impasse  
17          by asserting jurisdiction and ordering bind-  
18          ing arbitration by a private arbitration  
19          board consisting of 3 members.

20          “(ii) APPOINTMENT OF ARBITRATION  
21          BOARD.—The Executive Director of the  
22          Panel shall provide for the appointment of  
23          the 3 members of a private arbitration  
24          board under clause (i) by requesting the  
25          Director of the Federal Mediation and

1 Conciliation Service to prepare a list of not  
2 less than 15 names of arbitrators with  
3 Federal sector experience and by providing  
4 the list to the parties. Within 10 days of  
5 receiving the list, the parties shall each se-  
6 lect one person from the list. The 2 arbi-  
7 trators selected by the parties shall then  
8 select a third person from the list within 7  
9 days. If either of the parties fails to select  
10 a person or if the 2 arbitrators are unable  
11 to agree on the third person within 7 days,  
12 the parties shall make the selection by al-  
13 ternately striking names on the list until  
14 one arbitrator remains.

15 “(iii) FRAMING ISSUES IN CON-  
16 TROVERSY.—If the parties do not agree on  
17 the framing of the issues to be submitted  
18 for arbitration, the arbitration board shall  
19 frame the issues.

20 “(iv) HEARINGS.—The arbitration  
21 board shall give the parties a full and fair  
22 hearing, including an opportunity to  
23 present evidence in support of their claims  
24 and an opportunity to present their case in

1 person, by counsel, or by other representa-  
2 tive as they may elect.

3 “(v) DECISIONS.—The arbitration  
4 board shall render its decision within 90  
5 days after the date of its appointment. De-  
6 cisions of the arbitration board shall be  
7 conclusive and binding upon the parties.

8 “(vi) COSTS.—The parties shall share  
9 costs of the arbitration equally.

10 “(3) RATIFICATION OF AGREEMENTS.—Upon  
11 reaching a voluntary agreement or at the conclusion  
12 of the binding arbitration under paragraph (2)(B),  
13 the final agreement, except for those matters de-  
14 cided by an arbitration board, shall be subject to  
15 ratification by the exclusive bargaining representa-  
16 tive of the employees, if so requested by the bar-  
17 gaining representative, and approval by the head of  
18 the agency in accordance with the provisions re-  
19 ferred to in subsection (g)(2)(C).

20 “(4) ENFORCEMENT.—

21 “(A) ENFORCEMENT ACTIONS IN UNITED  
22 STATES COURTS.—Each United States district  
23 court and each United States court of a place  
24 subject to the jurisdiction of the United States  
25 shall have jurisdiction of enforcement actions



1 brought under this section. Such an action may  
2 be brought in any judicial district in the State  
3 in which the violation of this section is alleged  
4 to have been committed, the judicial district in  
5 which the Federal Aviation Administration has  
6 its principal office, or the District of Columbia.

7 “(B) ATTORNEY FEES.—The court may  
8 assess against the Federal Aviation Administra-  
9 tion reasonable attorney fees and other litiga-  
10 tion costs reasonably incurred in any case  
11 under this section in which the complainant has  
12 substantially prevailed.”.

13 (b) APPLICATION.—On and after the date of enact-  
14 ment of this Act, any changes implemented by the Admin-  
15 istrator of the Federal Aviation Administration on and  
16 after July 10, 2005, under section 40122(a) of title 49,  
17 United States Code (as in effect on the day before such  
18 date of enactment), without the agreement of the exclusive  
19 bargaining representative of the employees of the Adminis-  
20 tration certified under section 7111 of title 5, United  
21 States Code, shall be null and void and the parties shall  
22 be governed by their last mutual agreement before the im-  
23 plementation of such changes. The Administrator and the  
24 bargaining representative shall resume negotiations  
25 promptly, and, subject to subsection (c), their last mutual

1 agreement shall be in effect until a new contract is adopt-  
2 ed by the Administrator and the bargaining representa-  
3 tive. If an agreement is not reached within 45 days after  
4 the date on which negotiations resume, the Administrator  
5 and the bargaining representative shall submit their issues  
6 in controversy to the Federal Service Impasses Panel in  
7 accordance with section 7119 of title 5, United States  
8 Code, for binding arbitration in accordance with para-  
9 graphs (2)(B), (3), and (4) of section 40122(a) of title  
10 49, United States Code (as amended by subsection (a) of  
11 this section).

12 (c) SAVINGS CLAUSE.—All cost of living adjustments  
13 and other pay increases, lump sum payments to employ-  
14 ees, and leave and other benefit accruals implemented as  
15 part of the changes referred to in subsection (b) may not  
16 be reversed unless such reversal is part of the calculation  
17 of back pay under subsection (d). The Administrator shall  
18 waive any overpayment paid to, and not collect any funds  
19 for such overpayment, from former employees of the Ad-  
20 ministration who received lump sum payments prior to  
21 their separation from the Administration.

22 (d) BACK PAY.—

23 (1) IN GENERAL.—Employees subject to  
24 changes referred to in subsection (b) that are deter-  
25 mined to be null and void under subsection (b) shall

1 be eligible for pay that the employees would have re-  
2 ceived under the last mutual agreement between the  
3 Administrator and the exclusive bargaining rep-  
4 resentative of such employees before the date of en-  
5 actment of this Act and any changes were imple-  
6 mented without agreement of the bargaining rep-  
7 resentative. The Administrator shall pay the employ-  
8 ees such pay subject to the availability of amounts  
9 appropriated to carry out this subsection. If the ap-  
10 propriated funds do not cover all claims of the em-  
11 ployees for such pay, the Administrator and the bar-  
12 gaining representative, pursuant to negotiations con-  
13 ducted in accordance with section 40122(a) of title  
14 49, United States Code (as amended by subsection  
15 (a) of this section), shall determine the allocation of  
16 the appropriated funds among the employees on a  
17 pro rata basis.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—  
19 There is authorized to be appropriated \$20,000,000  
20 to carry out this subsection.

21 (e) INTERIM AGREEMENT.—If the Administrator and  
22 the exclusive bargaining representative of the employees  
23 subject to the changes referred to in subsection (b) reach  
24 a final and binding agreement with respect to such  
25 changes before the date of enactment of this Act, such

1 agreement shall supersede any changes implemented by  
2 the Administrator under section 40122(a) of title 49,  
3 United States Code (as in effect on the day before such  
4 date of enactment), without the agreement of the bar-  
5 gaining representative, and subsections (b) and (c) shall  
6 not take effect.

7 **SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-**  
8 **EES.**

9 Section 40122(g)(3) of title 49, United States Code,  
10 is amended by adding at the end the following: “Notwith-  
11 standing any other provision of law, retroactive to April  
12 1, 1996, the Board shall have the same remedial authority  
13 over such employee appeals that it had as of March 31,  
14 1996.”.

15 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

16 (a) STUDY.—

17 (1) IN GENERAL.—The Comptroller General  
18 shall conduct a study on the training of the airway  
19 transportation systems specialists of the Federal  
20 Aviation Administration (in this section referred to  
21 as “FAA systems specialists”).

22 (2) CONTENTS.—The study shall—

23 (A) include an analysis of the type of  
24 training provided to FAA systems specialists;

1 (B) include an analysis of the type of  
2 training that FAA systems specialists need to  
3 be proficient on the maintenance of latest tech-  
4 nologies;

5 (C) include a description of actions that  
6 the Administration has undertaken to ensure  
7 that FAA systems specialists receive up-to-date  
8 training on the latest technologies;

9 (D) identify the amount and cost of FAA  
10 systems specialists training provided by ven-  
11 dors;

12 (E) identify the amount and cost of FAA  
13 systems specialists training provided by the Ad-  
14 ministration after developing courses for the  
15 training of such specialists;

16 (F) identify the amount and cost of travel  
17 that is required of FAA systems specialists in  
18 receiving training; and

19 (G) include a recommendation regarding  
20 the most cost-effective approach to providing  
21 FAA systems specialists training.

22 (3) REPORT.—Not later than 1 year after the  
23 date of enactment of this Act, the Comptroller Gen-  
24 eral shall submit to the Committee on Transpor-  
25 tation and Infrastructure of the House of Represent-

1       atives and the Committee on Commerce, Science,  
2       and Transportation of the Senate a report on the re-  
3       sults of the study.

4       (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

5           (1) STUDY BY NATIONAL ACADEMY OF  
6       SCIENCES.—Not later than 90 days after the date of  
7       enactment of this Act, the Administrator of the Fed-  
8       eral Aviation Administration shall make appropriate  
9       arrangements for the National Academy of Sciences  
10      to conduct a study of the assumptions and methods  
11      used by the Federal Aviation Administration to esti-  
12      mate staffing needs for FAA systems specialists to  
13      ensure proper maintenance and certification of the  
14      national airspace system.

15           (2) CONTENTS.—The study shall be conducted  
16      so as to provide the following:

17           (A) A suggested method of modifying FAA  
18      systems specialists staffing models for applica-  
19      tion to current local conditions or applying  
20      some other approach to developing an objective  
21      staffing standard.

22           (B) The approximate cost and length of  
23      time for developing such models.

24           (3) REPORT.—Not later than one year after the  
25      initiation of the arrangements under subsection (a),

1 the National Academy of Sciences shall submit to  
2 Congress a report on the results of the study.

3 **SEC. 604. DESIGNEE PROGRAM.**

4 (a) REPORT.—Not later than 18 months after the  
5 date of enactment of this Act, the Comptroller General  
6 shall submit to the Committee on Transportation and In-  
7 frastructure of the House of Representatives and the Com-  
8 mittee on Commerce, Science, and Transportation of the  
9 Senate a report on the status of recommendations made  
10 by the Government Accountability Office in its October  
11 2004 report, “Aviation Safety: FAA Needs to Strengthen  
12 Management of Its Designee Programs” (GAO-05-40).

13 (b) CONTENTS.—The report shall include—

14 (1) an assessment of the extent to which the  
15 Federal Aviation Administration has responded to  
16 recommendations of the Government Accountability  
17 Office referred to in subsection (a);

18 (2) an identification of improvements, if any,  
19 that have been made to the designee programs re-  
20 ferred to in the report of the Office as a result of  
21 such recommendations; and

22 (3) an identification of further action that is  
23 needed to implement such recommendations, im-  
24 prove the Administration’s management control of  
25 the designee programs, and increase assurance that

1       designees meet the Administration's performance  
2       standards.

3       **SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPEC-**  
4                   **TORS.**

5       (a) IN GENERAL.—Not later than October 31, 2009,  
6       the Administrator of the Federal Aviation Administration  
7       shall develop a staffing model for aviation safety inspec-  
8       tors. In developing the model, the Administrator shall fol-  
9       low the recommendations outlined in the 2007 study re-  
10      leased by the National Academy of Sciences entitled  
11      “Staffing Standards for Aviation Safety Inspectors” and  
12      consult with interested persons, including the exclusive  
13      collective bargaining representative of the aviation safety  
14      inspectors.

15      (b) AUTHORIZATION OF APPROPRIATIONS.—There  
16      are authorized to be appropriated such sums as may be  
17      necessary to carry out this section.

18      **SEC. 606. SAFETY CRITICAL STAFFING.**

19      (a) AVIATION SAFETY INSPECTORS.—The Adminis-  
20      trator of the Federal Aviation Administration shall in-  
21      crease the number of aviation safety inspectors in the  
22      Flight Standards Service to not less than—

23              (1) \_\_\_\_\_ full-time equivalent positions in fiscal  
24      year 2008;



1           (2) \_\_\_\_\_ full-time equivalent positions in fiscal  
2       year 2009;

3           (3) \_\_\_\_\_ full-time equivalent positions in fiscal  
4       year 2010; and

5           (4) \_\_\_\_\_ full-time equivalent positions in fiscal  
6       year 2011.

7       (b) OPERATIONAL SUPPORT.—The Administrator  
8 shall increase the number of safety technical specialists  
9 and operational support positions in the Flight Standards  
10 Service to the levels necessary, as determined by the Ad-  
11 ministrator, to ensure the most efficient and cost-effective  
12 use of the aviation safety inspectors authorized by sub-  
13 section (a).

14       (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
15 tion to amounts authorized by section 106(k) of title 49,  
16 United States Code, there is authorized to be appropriated  
17 to carry out subsections (a) and (b)—

18           (1) \$58,000,000 for fiscal year 2008;

19           (2) \$134,000,000 for fiscal year 2009;

20           (3) \$170,000,000 for fiscal year 2010; and

21           (4) \$208,000,000 for fiscal year 2011.

22 Such sums shall remain available until expended.

23       (d) IMPLEMENTATION OF STAFFING STANDARDS.—  
24 Notwithstanding any other provision of this section, upon  
25 completion of the flight standards service staffing model

1 pursuant to section 604 of this Act, and validation of the  
2 model by the Administrator, there are authorized to be  
3 appropriated such sums as may be necessary to support  
4 the number of aviation safety inspectors, safety technical  
5 specialists, and operation support positions that such  
6 model determines are required to meet the responsibilities  
7 of the Flight Standards Service.

8 **SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.**

9 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—  
10 Not later than 90 days after the date of enactment of this  
11 Act, the Administrator of the Federal Aviation Adminis-  
12 tration shall enter into appropriate arrangements with the  
13 National Academy of Sciences to conduct a study of the  
14 assumptions and methods used by the Federal Aviation  
15 Administration (in this section referred to as the “FAA”)  
16 to estimate staffing needs for FAA air traffic controllers  
17 to ensure the safe operation of the national airspace sys-  
18 tem.

19 (b) CONSULTATION.—In conducting the study, the  
20 National Academy of Sciences shall consult with the exclu-  
21 sive bargaining representative of employees of the FAA  
22 certified under section 7111 of title 5, United States Code,  
23 the Administrator of the Federal Aviation Administration,  
24 and representatives of the Civil Aeronautical Medical In-  
25 stitute.

1 (c) CONTENTS.—The study shall include an examina-  
2 tion of representative information on human factors, traf-  
3 fic activity, and the technology and equipment used in air  
4 traffic control.

5 (d) RECOMMENDATIONS AND ESTIMATES.—In con-  
6 ducting the study, the National Academy of Sciences shall  
7 develop—

8 (1) recommendations for the development by  
9 the FAA of objective staffing standards to maintain  
10 the safety and efficiency of the national airspace sys-  
11 tem with current and future projected air traffic lev-  
12 els; and

13 (2) estimates of cost and schedule for the devel-  
14 opment of such standards by the FAA or its con-  
15 tractors.

16 (e) REPORT.—Not later than 18 months after the  
17 date of enactment of this Act, the National Academy of  
18 Sciences shall submit to the Committee on Transportation  
19 and Infrastructure of the House of Representatives and  
20 the Committee on Commerce, Science, and Transportation  
21 of the Senate a report on the results of the study.

1   **SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**  
2                   **TRAFFIC CONTROLLERS.**

3           (a) **STUDY.**—The Administrator of the Federal Avia-  
4   tion Administration shall conduct a study to assess the  
5   adequacy of training programs for air traffic controllers.

6           (b) **CONTENTS.**—The study shall include—

7               (1) a review of the current training system for  
8   air traffic controllers;

9               (2) an analysis of the competencies required of  
10   air traffic controllers for successful performance in  
11   the current air traffic control environment;

12              (3) an analysis of competencies required of air  
13   traffic controllers as the Federal Aviation Adminis-  
14   tration transitions to the Next Generation Air  
15   Transportation System; and

16              (4) an analysis of various training approaches  
17   available to satisfy the controller competencies iden-  
18   tified under paragraphs (2) and (3).

19           (c) **REPORT.**—Not later than 180 days after the date  
20   of enactment of this Act, the Administrator shall submit  
21   to the Committee on Transportation and Infrastructure  
22   of the House of Representatives and the Committee on  
23   Commerce, Science, and Transportation of the Senate a  
24   report on the results of the study.

1 **SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.**

2 (a) STUDY.—The Administrator of the Federal Avia-  
3 tion Administration shall conduct a study on training op-  
4 tions for graduates of the Collegiate Training Initiative  
5 program conducted under section 44506(c) of title 49  
6 United States Code. The study shall analyze the impact  
7 of providing as an alternative to the current training pro-  
8 vided at the Mike Monroney Aeronautical Center of the  
9 Administration a new controller orientation session for  
10 graduates of such programs at the Mike Monroney Aero-  
11 nautical Center followed by on-the-job training for newly  
12 hired air traffic controllers who are graduates of such pro-  
13 gram and shall include—

14 (1) the cost effectiveness of such an alternative  
15 training approach; and

16 (2) the effect that such an alternative training  
17 approach would have on the overall quality of train-  
18 ing received by graduates of such programs.

19 (b) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the Administrator shall submit  
21 to the Committee on Transportation and Infrastructure  
22 of the House of Representatives and to the Committee on  
23 Commerce, Science, and Transportation of the Senate a  
24 report on the results of the study.

## **TITLE VII—AVIATION INSURANCE**

### **SEC. 701. GENERAL AUTHORITY.**

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking “August 31, 2006” and inserting “September 30, 2011”; and

(2) by striking “December 31, 2006” and inserting “September 30, 2017”.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

“(3) SUCCESSOR PROGRAM.—

“(A) IN GENERAL.—After December 31, 2017, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

“(B) TRANSFER OF PREMIUMS.—

“(i) IN GENERAL.—On December 31, 2017, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as

1 determined by the Secretary, shall be  
2 transferred to an airline industry spon-  
3 sored risk retention or other risk-sharing  
4 arrangement approved by the Secretary.

5 “(ii) DETERMINATION OF AMOUNT  
6 TRANSFERRED.—The amount transferred  
7 pursuant to clause (i) shall be less—

8 “(I) the amount of any claims  
9 paid out on such policies from Sep-  
10 tember 22, 2001, through December  
11 31, 2017;

12 “(II) the amount of any claims  
13 pending under such policies as of De-  
14 cember 31, 2017; and

15 “(III) the cost, as determined by  
16 the Secretary, of administering the  
17 provision of insurance policies under  
18 this chapter from September 22,  
19 2001, through December 31, 2017.”.

20 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**  
21 **PARTY LIABILITY OF AIR CARRIERS ARISING**  
22 **OUT OF ACTS OF TERRORISM.**

23 Section 44303(b) is amended by striking “December  
24 31, 2006” and inserting “December 31, 2012”.

1   **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

2       Section 44304 is amended in the second sentence by  
3 striking “the carrier” and inserting “any insurance car-  
4 rier”.

5   **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

6       Section 44308(c)(1) is amended in the second sen-  
7 tence by striking “agent” and inserting “agent, or a  
8 claims adjuster who is independent of the underwriting  
9 agent,”.

10   **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

11       Section 44310 is amended by striking “March 30,  
12 2008” and inserting “September 30, 2017”.

13   **TITLE VIII—MISCELLANEOUS**

14   **SEC. 801. AIR CARRIER CITIZENSHIP.**

15       Section 40102(a)(15) is amended by adding at the  
16 end the following:

17       “For purposes of subparagraph (C), an air carrier  
18 shall not be deemed to be under the actual control  
19 of citizens of the United States unless citizens of the  
20 United States control all matters pertaining to the  
21 business and structure of the air carrier, including  
22 operational matters such as marketing, branding,  
23 fleet composition, route selection, pricing, and labor  
24 relations.”.



1 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**  
2 **INTEREST OF NATIONAL SECURITY.**

3 Section 40119(b) is amended by adding at the end  
4 the following:

5 “(3) LIMITATION ON APPLICABILITY OF FREE-  
6 DOM OF INFORMATION ACT.—Section 552a of title 5,  
7 United States Code, shall not apply to disclosures  
8 that the Administrator of the Federal Aviation Ad-  
9 ministration may make from the systems of records  
10 of the Administration to any Federal law enforce-  
11 ment, intelligence, protective service, immigration, or  
12 national security official in order to assist the offi-  
13 cial receiving the information in the performance of  
14 official duties.”.

15 **SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS**  
16 **AND DATABASE SYSTEMS.**

17 (a) IN GENERAL.—Chapter 401 is amended by add-  
18 ing at the end the following:

19 **“§ 40130. FAA access to criminal history records or**  
20 **databases systems**

21 “(a) ACCESS TO RECORDS OR DATABASES SYS-  
22 TEMS.—

23 “(1) ACCESS TO INFORMATION.—Notwith-  
24 standing section 534 of title 28, and regulations  
25 issued to implement such section, the Administrator  
26 of the Federal Aviation Administration may access a

1 system of documented criminal justice information  
2 maintained by the Department of Justice or by a  
3 State but may do so only for the purpose of carrying  
4 out civil and administrative responsibilities of the  
5 Administration to protect the safety and security of  
6 the national airspace system or to support the mis-  
7 sions of the Department of Justice, the Department  
8 of Homeland Security, and other law enforcement  
9 agencies.

10 “(2) RELEASE OF INFORMATION.— In access-  
11 ing a system referred to in paragraph (1), the Ad-  
12 ministrator shall be subject to the same conditions  
13 and procedures established by the Department of  
14 Justice or the State for other governmental agencies  
15 with access to the system.

16 “(3) LIMITATION.—The Administrator may not  
17 use the access authorized under paragraph (1) to  
18 conduct criminal investigations.

19 “(b) DESIGNATED EMPLOYEES.—The Administrator  
20 shall designate, by order, employees of the Administration  
21 who shall carry out the authority described in subsection  
22 (a). The designated employees may—

23 “(1) have access to and receive criminal history,  
24 driver, vehicle, and other law enforcement informa-  
25 tion contained in the law enforcement databases of

1 the Department of Justice, or any jurisdiction of a  
2 State, in the same manner as a police officer em-  
3 ployed by a State or local authority of that State  
4 who is certified or commissioned under the laws of  
5 that State;

6 “(2) use any radio, data link, or warning sys-  
7 tem of the Federal Government, and of any jurisdic-  
8 tion in a State, that provides information about  
9 wanted persons, be-on-the-lookout notices, warrant  
10 status, or other officer safety information to which  
11 a police officer employed by a State or local author-  
12 ity in that State who is certified or commission  
13 under the laws of that State has access and in the  
14 same manner as such police officer; or

15 “(3) receive Federal, State, or local government  
16 communications with a police officer employed by a  
17 State or local authority in that State in the same  
18 manner as a police officer employed by a State or  
19 local authority in that State who is commissioned  
20 under the laws of that State.

21 “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
22 INFORMATION DEFINED.—In this section, the term ‘sys-  
23 tem of documented criminal justice information’ means  
24 any law enforcement database, system, or communication  
25 containing information concerning identification, criminal

1 history, arrests, convictions, arrest warrants, wanted or  
2 missing persons, including the National Crime Informa-  
3 tion Center and its incorporated criminal history data-  
4 bases and the National Law Enforcement Telecommuni-  
5 cations System.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-  
7 ter 401 is amended by adding at the end the following:  
“40130. FAA access to criminal history records or databases systems.”.

8 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

9 (a) IN GENERAL.—Section 47129 is amended—

10 (1) in the section heading by striking “**air**  
11 **carrier**” and inserting “**carrier**”;

12 (2) in subsection (a) by striking “(as defined in  
13 section 40102 of this title)” and inserting “(as such  
14 terms are defined in section 40102)”;

15 (3) in the heading for subsection (d) by striking  
16 “AIR CARRIER” and inserting “AIR CARRIER AND  
17 FOREIGN AIR CARRIER”;

18 (4) in the heading for paragraph (2) of sub-  
19 section (d) by striking “AIR CARRIER” and inserting  
20 “AIR CARRIER AND FOREIGN AIR CARRIER”;

21 (5) by striking “air carriers” each place it ap-  
22 pears and inserting “air carriers or foreign air car-  
23 riers”;

1 (6) by striking “air carrier” each place it ap-  
2 pears and inserting “air carrier or foreign air car-  
3 rier”; and

4 (7) by striking “air carrier’s” each place it ap-  
5 pears and inserting “air carrier’s or foreign air car-  
6 rier’s”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-  
8 ter 471 is amended by striking the item relating to section  
9 47129 and inserting the following:

“47129. Resolution of airport-carrier disputes concerning airport fees.”.

10 **SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**  
11 **PORT SYSTEMS.**

12 (a) IN GENERAL.—Not later than 90 days after the  
13 date of enactment of this Act, the Secretary of Transpor-  
14 tation shall initiate a study to evaluate the formulation  
15 of the National Plan of Integrated Airport Systems (in  
16 this section referred to as the “plan”) under section 47103  
17 of title 49, United States Code.

18 (b) CONTENTS OF STUDY.—The study shall include  
19 a review of the following:

20 (1) The criteria used for including airports in  
21 the plan and the application of such criteria in the  
22 most recently published version of the plan.

23 (2) The changes in airport capital needs be-  
24 tween fiscal years 2001 and 2007, as reported in the  
25 plan, as compared with the amounts apportioned or

1 otherwise made available to individual airports over  
2 the same period of time.

3 (3) A comparison of the amounts received by  
4 airports under the airport improvement program in  
5 airport apportionments, State apportionments, and  
6 discretionary grants during such fiscal years with  
7 capital needs as reported in the plan.

8 (4) The effect of transfers of airport apportion-  
9 ments under title 49, United States Code.

10 (5) Any other matters pertaining to the plan  
11 that the Secretary determines appropriate.

12 (c) REPORT TO CONGRESS.—

13 (1) SUBMISSION.—Not later than 36 months  
14 after the date of initiation of the study, the Sec-  
15 retary shall submit to the Committee on Transpor-  
16 tation and Infrastructure of the House of Represent-  
17 atives and the Committee on Commerce, Science,  
18 and Transportation of the Senate a report on the re-  
19 sults of the study.

20 (2) CONTENTS.—The report shall include—

21 (A) the findings of the Secretary on each  
22 of the subjects listed in subsection (b);

23 (B) recommendations for any changes to  
24 policies and procedures for formulating the  
25 plan; and

1 (C) recommendations for any changes to  
2 the methods of determining the amounts to be  
3 apportioned or otherwise made available to indi-  
4 vidual airports.

5 **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

6 (a) IN GENERAL.—Section 201 of the Railway Labor  
7 Act (45 U.S.C. 181) is amended—

8 (1) by striking “All” and inserting “(a) IN  
9 GENERAL.—All”;

10 (2) by inserting “and every express carrier”  
11 after “common carrier by air”; and

12 (3) by adding at the end the following:

13 “(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

14 “(1) IN GENERAL.—An employee of an express  
15 carrier shall be covered by this Act only if that em-  
16 ployee is in a position that is eligible for certification  
17 under part 61, 63, or 65 of title 14, Code of Federal  
18 Regulations, and only if that employee performs du-  
19 ties for the express carrier that are eligible for such  
20 certification. All other employees of an express car-  
21 rier shall be covered by the provisions of the Na-  
22 tional Labor Relations Act (29 U.S.C. 151 et seq.).

23 “(2) AIR CARRIER STATUS.—Any person that is  
24 an express carrier shall be governed by paragraph

1 (1) notwithstanding any finding that the person is  
2 also a common carrier by air.

3 “(3) EXPRESS CARRIER DEFINED.—In this sec-  
4 tion, the term ‘express carrier’ means any person (or  
5 persons affiliated through common control or owner-  
6 ship) whose primary business is the express ship-  
7 ment of freight or packages through an integrated  
8 network of air and surface transportation.”.

9 (b) CONFORMING AMENDMENT.—Section 1 of such  
10 Act (45 U.S.C. 151) is amended in the first paragraph  
11 by striking “, any express company that would have been  
12 subject to subtitle IV of title 49, United States Code, as  
13 of December 31, 1995,,”.

14 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**  
15 **CILITIES.**

16 (a) ESTABLISHMENT OF WORKING GROUP.—Not  
17 later than 9 months after the date of enactment of this  
18 Act, the Secretary of Transportation shall establish within  
19 the FAA a working group to develop criteria and make  
20 recommendations for the realignment of services and fa-  
21 cilities of the FAA to assist in the transition to next gen-  
22 eration facilities and to help reduce capital, operating,  
23 maintenance, and administrative costs in instances in  
24 which cost reductions can be implemented without ad-  
25 versely affecting safety.



1 (b) MEMBERSHIP.—The working group shall be com-  
2 posed of, at a minimum—

3 (1) the Administrator of the FAA;

4 (2) 2 representatives of air carriers;

5 (3) 2 representatives of the general aviation  
6 community;

7 (4) 2 representatives of labor unions rep-  
8 resenting employees who work at field facilities of  
9 the FAA; and

10 (5) 2 representatives of the airport community.

11 (c) REPORT TO CONGRESS CONTAINING REC-  
12 OMMENDATIONS OF THE WORKING GROUP.—

13 (1) SUBMISSION.—Not later than 6 months  
14 after convening the working group, the Adminis-  
15 trator shall submit to the Committee on Transpor-  
16 tation and Infrastructure of the House of Represent-  
17 atives and the Committee on Commerce, Science,  
18 and Transportation of the Senate a report con-  
19 taining the criteria and recommendations developed  
20 by the working group under this section.

21 (2) CONTENTS.—The report shall include a jus-  
22 tification for each recommendation to consolidate or  
23 realign a facility or service and a description of the  
24 costs and savings associated with the consolidation  
25 or realignment.

1 (d) PUBLIC NOTICE AND COMMENT.—The Adminis-  
2 trator shall publish the report submitted under subsection  
3 (c) in the Federal Register and allow 45 days for the sub-  
4 mission of public comments. In addition, the Adminis-  
5 trator upon request shall hold a public hearing in a com-  
6 munity that would be affected by a recommendation in the  
7 report.

8 (e) OBJECTIONS.—Any interested person may file  
9 with the Administrator a written objection to a rec-  
10 ommendation of the working group.

11 (f) REPORT TO CONGRESS CONTAINING REC-  
12 OMMENDATIONS OF THE ADMINISTRATOR.—Not later  
13 than 60 days after the last day of the period for public  
14 comment under subsection (d), the Administrator shall  
15 submit to the committees referred to in subsection (c)(1)  
16 a report containing the recommendations of the Adminis-  
17 trator on realignment of services and facilities of the FAA  
18 and copies of any public comments and objections received  
19 by the Administrator under this section.

20 (g) LIMITATION ON IMPLEMENTATION OF REALIGN-  
21 MENTS AND CONSOLIDATIONS.—The Administrator may  
22 not realign or consolidate any services or facilities of the  
23 FAA before the Administrator has submitted the report  
24 under subsection (f).

1 (h) FAA DEFINED.—In this section, the term  
2 “FAA” means the Federal Aviation Administration.

3 **SEC. 808. TRANSPORTATION SECURITY ADMINISTRATION**  
4 **CENTRALIZED TRAINING FACILITY FEASI-**  
5 **BILITY STUDY.**

6 (a) STUDY.—The Secretary of Homeland Security  
7 shall carry out a study on the feasibility of establishing  
8 a centralized training center for advanced security train-  
9 ing by the Transportation Security Administration.

10 (b) CONSIDERATIONS.—In conducting the study, the  
11 Secretary shall take into consideration the benefits, cost,  
12 equipment, and building requirements for a training cen-  
13 ter and whether the benefits of establishing a center would  
14 be an efficient process for training transportation security  
15 officers.

16 (c) REPORT.—Not later than one year after the date  
17 of enactment of this Act, the Secretary shall submit to  
18 the Committee on Transportation and Infrastructure and  
19 the Committee on Homeland Security of the House of  
20 Representatives and the Committee on Commerce,  
21 Science, and Transportation of the Senate a report on the  
22 results of the study.

1   **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE IN-**  
2                   **DUSTRY IN INTERNATIONAL CHILD ABDUC-**  
3                   **TION CASES.**

4       (a) **STUDY.**—The Comptroller General shall conduct  
5 a study to help determine how the Federal Aviation Ad-  
6 ministration (in this section referred to as the “FAA”)  
7 could better ensure the collaboration and cooperation of  
8 air carriers and foreign air carriers providing air transpor-  
9 tation and relevant Federal agencies to develop and en-  
10 force child safety control for adults traveling internation-  
11 ally with children.

12       (b) **CONTENTS.**—In conducting the study, the Comp-  
13 troller General shall examine—

14           (1) the nature and scope of exit policies and  
15 procedures of the FAA, air carriers, and foreign air  
16 carriers and how the enforcement of such policies  
17 and procedures is monitored, including ticketing and  
18 boarding procedures;

19           (2) the extent to which air carriers and foreign  
20 air carriers cooperate in the investigations of inter-  
21 national child abduction cases, including cooperation  
22 with the National Center for Missing and Exploited  
23 Children and relevant Federal, State, and local  
24 agencies;

25           (3) any effective practices, procedures, or les-  
26 sons learned from the assessment of current prac-

1 tices and procedures of air carriers, foreign air car-  
2 riers, and operators of other transportation modes  
3 that could improve the ability of the aviation com-  
4 munity to ensure the safety of children traveling  
5 internationally with adults and, as appropriate, en-  
6 hance the capability of air carriers and foreign air  
7 carriers to cooperate in the investigations of inter-  
8 national child abduction cases; and

9 (4) any liability issues associated with providing  
10 assistance in such investigations.

11 (c) REPORT.—Not later than one year after the date  
12 of the enactment of this Act, the Comptroller General shall  
13 submit to Congress a report on the results of the study.

14 **SEC. 810. LOST NATION AIRPORT, OHIO.**

15 (a) APPROVAL OF SALE.—The Secretary of Trans-  
16 portation may approve the sale of Lost Nation Airport  
17 from the city of Willoughby, Ohio, to Lake County, Ohio,  
18 if—

19 (1) Lake County meets all applicable require-  
20 ments for sponsorship of the airport; and

21 (2) Lake County agrees to assume the obliga-  
22 tions and assurances of the grant agreements relat-  
23 ing to the airport executed by the city of Willoughby  
24 under chapter 471 of title 49, United States Code,

1 and to operate and maintain the airport in accord-  
2 ance with such obligations and assurances.

3 (b) TREATMENT OF PROCEEDS FROM SALE.—The  
4 Secretary may grant to the city of Willoughby an exemp-  
5 tion from the provisions of sections 47107 and 47133 of  
6 such title, any grant obligations of the city of Willoughby,  
7 and regulations and policies of the Federal Aviation Ad-  
8 ministration to the extent necessary to allow the city of  
9 Willoughby to use the proceeds from the sale approved  
10 under subsection (a) for any purpose authorized by the  
11 city of Willoughby.

12 **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

13 (a) FINDINGS.—Congress finds that—

14 (1) Pollock Municipal Airport located in Pol-  
15 lock, Louisiana (in this section referred to as the  
16 “airport”), has never been included in the National  
17 Plan of Integrated Airport Systems pursuant to sec-  
18 tion 47103 of title 49, United States Code, and is  
19 therefore not considered necessary to meet the cur-  
20 rent or future needs of the national aviation system;  
21 and

22 (2) closing the airport will not adversely affect  
23 aviation safety, aviation capacity, or air commerce.

24 (b) REQUEST FOR CLOSURE.—

1           (1) APPROVAL.—Notwithstanding any other  
2           provision of law, requirement, or agreement and sub-  
3           ject to the requirements of this section, the Adminis-  
4           trator of the Federal Aviation Administration  
5           shall—

6                   (A) approve a request from the town of  
7           Pollock, Louisiana, to close the airport as a  
8           public airport; and

9                   (B) release the town from any term, condi-  
10          tion, reservation, or restriction contained in a  
11          surplus property conveyance or transfer docu-  
12          ment, and from any order or finding by the De-  
13          partment of Transportation on the use and re-  
14          payment of airport revenue applicable to the  
15          airport, that would otherwise prevent the clo-  
16          sure of the airport and redevelopment of the fa-  
17          cilities to nonaeronautical uses.

18          (2) CONTINUED AIRPORT OPERATION PRIOR TO  
19          APPROVAL.—The town of Pollock shall continue to  
20          operate and maintain the airport until the Adminis-  
21          trator grants the town's request for closure of the  
22          airport.

23          (3) USE OF PROCEEDS FROM SALE OF AIR-  
24          PORT.—Upon the approval of the request to close  
25          the airport, the town of Pollock shall obtain fair

1 market value for the sale of the airport property and  
2 shall immediately upon receipt transfer all such pro-  
3 ceeds from the sale of the airport property to the  
4 sponsor of a public airport designated by the Admin-  
5 istrator to be used for the development or improve-  
6 ment of such airport.

7 (4) RELOCATION OF AIRCRAFT.—Before closure  
8 of the airport, the town of Pollock shall provide ade-  
9 quate time for any airport-based aircraft to relocate.

10 **SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY**  
11 **PROGRAM.**

12 (a) IN GENERAL.—Not later than 6 months after the  
13 date of enactment of this Act, the Administrator of the  
14 Federal Aviation Administration shall develop a human  
15 intervention and motivation study program for flight crew-  
16 members involved in air carrier operations in the United  
17 States under part 121 of title 14, Code of Federal Regula-  
18 tions.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this section  
21 such sums as may be necessary for each of fiscal years  
22 2008 through 2011. Such sums shall remain available  
23 until expended.



1   **SEC. 813. WASHINGTON, D.C., AIR DEFENSE IDENTIFICA-**  
2                           **TION ZONE.**

3       (a) SUBMISSION OF PLAN TO CONGRESS.—Not later  
4 than 90 days after the date of enactment of this Act, the  
5 Administrator of the Federal Aviation Administration, in  
6 coordination with Secretary of Homeland Security and  
7 Secretary of Defense, shall submit to the Committee on  
8 Transportation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Commerce, Science,  
10 and Transportation of the Senate a plan for the Wash-  
11 ington, D.C., Air Defense Identification Zone.

12       (b) CONTENTS OF PLAN.—The plan shall outline spe-  
13 cific changes to the Washington, D.C., Air Defense Identi-  
14 fication Zone that will decrease operational impacts and  
15 improve general aviation access to airports in the National  
16 Capital Region that are currently impacted by the zone.

17   **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

18       (a) IN GENERAL.—Notwithstanding any other provi-  
19 sion of law, including the Federal Airport Act (as in effect  
20 on August 8, 1958), the United States releases, without  
21 monetary consideration, all restrictions, conditions, and  
22 limitations on the use, encumbrance, or conveyance of cer-  
23 tain land located in the municipality of Anchorage, Alaska,  
24 more particularly described as Tracts 22 and 24 of the  
25 Fourth Addition to the Town Site of Anchorage, Alaska,  
26 as shown on the plat of U.S. Survey No. 1456, accepted

1 June 13, 1923, on file in the Bureau of Land Manage-  
2 ment, Department of Interior.

3 (b) GRANTS.—Notwithstanding any other provision  
4 of law, the municipality of Anchorage shall be released  
5 from the repayment of any outstanding grant obligations  
6 owed by the municipality to the Federal Aviation Adminis-  
7 tration with respect to any land described in subsection  
8 (a) that is subsequently conveyed to or used by the De-  
9 partment of Transportation and Public Facilities of the  
10 State of Alaska for the construction or reconstruction of  
11 a federally subsidized highway project.

12 **SEC. 815. WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.**

13 It is the sense of Congress that the Nation—

14 (1) supports the goals and ideals of the 1940  
15 Air Terminal Museum located at William P. Hobby  
16 Airport in the city of Houston, Texas;

17 (2) congratulates the city of Houston and the  
18 1940 Air Terminal Museum on the 80-year history  
19 of William P. Hobby Airport and the vital role of the  
20 airport in Houston's and the Nation's transportation  
21 infrastructure; and

22 (3) recognizes the 1940 Air Terminal Museum  
23 for its importance to the Nation in the preservation  
24 and presentation of civil aviation heritage and recog-

1 nizes the importance of civil aviation to the Nation's  
2 history and economy.

3 **TITLE IX—FEDERAL AVIATION**  
4 **RESEARCH AND DEVELOPMENT**

5 **SEC. 901. SHORT TITLE.**

6 This title may be cited as the “Federal Aviation Re-  
7 search and Development Reauthorization Act of 2007”.

8 **SEC. 902. DEFINITIONS.**

9 As used in this title, the following definition apply:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Federal  
12 Aviation Administration.

13 (2) FAA.—The term “FAA” means the Fed-  
14 eral Aviation Administration.

15 (3) NASA.—The term “NASA” means the Na-  
16 tional Aeronautics and Space Administration.

17 (4) NATIONAL RESEARCH COUNCIL.—The term  
18 “National Research Council” means the National  
19 Research Council of the National Academies of  
20 Science and Engineering.

21 (5) NOAA.—The term “NOAA” means the Na-  
22 tional Oceanic and Atmospheric Administration.

23 (6) NSF.—The term “NSF” means the Na-  
24 tional Science Foundation.

1           (7) SECRETARY.—The term “Secretary” means  
2           the Secretary of Transportation.

3   **SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IM-**  
4                           **PACT OF AVIATION ON THE CLIMATE.**

5           (a) IN GENERAL.—The Administrator, in coordina-  
6           tion with NASA and the United States Climate Change  
7           Science Program, shall establish a research initiative to  
8           assess the impact of aviation on the climate and, if war-  
9           ranted, to evaluate approaches to mitigate that impact.

10          (b) RESEARCH PLAN.—Not later than one year after  
11          the date of enactment of this Act, the participating Fed-  
12          eral entities shall jointly develop a plan for the research  
13          program that contains the objectives, proposed tasks, mile-  
14          stones, and 5-year budgetary profile.

15   **SEC. 904. RESEARCH PROGRAM ON RUNWAYS.**

16          (a) RESEARCH PROGRAM.—The Administrator shall  
17          maintain a program of research grants to universities and  
18          nonprofit research foundations for research and tech-  
19          nology demonstrations related to—

- 20                (1) improved runway surfaces; and  
21                (2) engineered material restraining systems for  
22          runways at both general aviation airports and air-  
23          ports with commercial air carrier operations.

24          (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
25          authorized to be appropriated such sums as may be nec-

1    essary for each of the fiscal years 2008 through 2011 to  
2    carry out this section.

3    **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

4       (a) ESTABLISHMENT OF PROGRAM.—Not later than  
5    6 months after the date of enactment of this Act, the  
6    FAA, in consultation with other agencies as appropriate,  
7    shall establish a research program on methods to improve  
8    both confidence in and the timeliness of certification of  
9    new technologies for their introduction into the national  
10   airspace system.

11      (b) RESEARCH PLAN.—Not later than 1 year after  
12   the date of enactment of this Act, as part of the activity  
13   described in subsection (a), the FAA shall develop a plan  
14   for the research program that contains the objectives, pro-  
15   posed tasks, milestones, and five-year budgetary profile.

16      (c) REVIEW.—The Administrator shall have the Na-  
17   tional Research Council conduct an independent review of  
18   the research program plan and provide the results of that  
19   review to the Committee on Science and Technology and  
20   the Committee on Transportation and Infrastructure of  
21   the House of Representatives and the Committee on Com-  
22   merce, Science, and Transportation of the Senate not later  
23   than 18 months after the date of enactment of this Act.

1   **SEC. 906. CENTERS OF EXCELLENCE.**

2       (a) GOVERNMENT'S SHARE OF COSTS.—Section  
3   44513(f) is amended to read as follows:

4       “(f) GOVERNMENT'S SHARE OF COSTS.—The United  
5   States Government's share of establishing and operating  
6   the center and all related research activities that grant  
7   recipients carry out shall not exceed 75 percent of the  
8   costs. The United States Government's share of an indi-  
9   vidual grant under this section shall not exceed 90 percent  
10  of the costs.”.

11       (b) ANNUAL REPORT.—The Administrator shall  
12  transmit annually to the Committee on Science and Tech-  
13  nology and the Committee on Transportation and Infra-  
14  structure of the House of Representatives and the Com-  
15  mittee on Commerce, Science, and Transportation of the  
16  Senate at the time of the President's budget request a re-  
17  port that lists—

18           (1) the research projects that have been initi-  
19       ated by each Center of Excellence in the preceding  
20       year;

21           (2) the amount of funding for each research  
22       project and the funding source;

23           (3) the institutions participating in each project  
24       and their shares of the overall funding for each re-  
25       search project; and

1 (4) the level of cost-sharing for each research  
2 project.

3 **SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

4 Section 44511(f) is amended—

5 (1) in paragraph (1) by striking “establish a 4-  
6 year pilot” and inserting “maintain an”; and

7 (2) in paragraph (4)—

8 (A) by striking “expiration of the pro-  
9 gram” and inserting “expiration of the pilot  
10 program”; and

11 (B) by striking “program, including rec-  
12 ommendations as to the need for establishing a  
13 permanent airport cooperative research pro-  
14 gram” and inserting “program”.

15 **SEC. 908. UNMANNED AIRCRAFT SYSTEMS.**

16 (a) RESEARCH INITIATIVE.—Section 44504(b) is  
17 amended—

18 (1) in paragraph (6) by striking “and” after  
19 the semicolon;

20 (2) in paragraph (7) by striking the period at  
21 the end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(8) in conjunction with other Federal agencies,  
24 as appropriate, to develop technologies and methods  
25 to assess the risk of and prevent defects, failures,

1 and malfunctions of products, parts, and processes,  
2 for use in all classes of unmanned aircraft systems  
3 that could result in a catastrophic failure of the un-  
4 manned aircraft that would endanger other aircraft  
5 in the national airspace system.”.

6 (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-  
7 VICES.—Section 44505(b) is amended—

8 (1) in paragraph (4) by striking “and” after  
9 the semicolon;

10 (2) in paragraph (5)(C) by striking the period  
11 at the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(6) to develop a better understanding of the  
14 relationship between human factors and unmanned  
15 aircraft systems safety; and

16 “(7) to develop dynamic simulation models for  
17 integrating all classes of unmanned aircraft systems  
18 into the national airspace system without any deg-  
19 radation of existing levels of safety for all national  
20 airspace system users.”.

21 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**  
22 **DERGRADUATE STUDENTS.**

23 (a) IN GENERAL.—The Administrator shall establish  
24 a program to utilize colleges and universities, including  
25 Historically Black Colleges and Universities, Hispanic



1 serving institutions, tribally controlled colleges and univer-  
2 sities, and Alaska Native and Native Hawaiian serving in-  
3 stitutions in conducting research by undergraduate stu-  
4 dents on subjects of relevance to the FAA. Grants may  
5 be awarded under this section for—

6 (1) research projects to be carried out primarily  
7 by undergraduate students;

8 (2) research projects that combine under-  
9 graduate research with other research supported by  
10 the FAA;

11 (3) research on future training requirements re-  
12 lated to projected changes in regulatory require-  
13 ments for aircraft maintenance and power plant li-  
14 censees; and

15 (4) research on the impact of new technologies  
16 and procedures, particularly those related to aircraft  
17 flight deck and air traffic management functions,  
18 and on training requirements for pilots and air traf-  
19 fic controllers.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated \$5,000,000 for each of the  
22 fiscal years 2008 through 2011, for research grants under  
23 this section.

1   **SEC. 910. RESEARCH PROGRAM ON SPACE WEATHER AND**  
2                   **AVIATION.**

3       (a) **ESTABLISHMENT.**—The Administrator shall, in  
4 coordination with the National Science Foundation, Na-  
5 tional Aeronautics and Space Administration, National  
6 Oceanic and Atmospheric Administration, and other rel-  
7 evant agencies, initiate a research program to—

8           (1) conduct or supervise research projects on  
9 impacts of space weather to aviation, including com-  
10 munication, navigation, avionic systems, and on air-  
11 line passengers and personnel; and

12          (2) facilitate the transfer of technology from  
13 space weather research programs to Federal agen-  
14 cies with operational responsibilities and to the pri-  
15 vate sector.

16       (b) **USE OF GRANTS OR COOPERATIVE AGREE-**  
17 **MENTS.**—The Administrator may use grants or coopera-  
18 tive agreements in carrying out this section.

19       (c) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-  
20 tion to amounts authorized to be appropriated by the  
21 amendments made by this Act, there is authorized to be  
22 appropriated \$1,000,000 for each of the fiscal years 2008  
23 through 2011 to carry out this section.

1   **SEC. 911. AVIATION GAS RESEARCH AND DEVELOPMENT**  
2                   **PROGRAM.**

3       (a) CONTINUATION OF PROGRAM.—The Adminis-  
4 trator, in coordination with the NASA Administrator,  
5 shall continue research and development activities into  
6 technologies for modification of existing general aviation  
7 piston engines to enable their safe operation using un-  
8 leaded aviation fuel.

9       (b) ROADMAP.—Not later than 120 days after the  
10 date of enactment of this Act, the Administrator shall de-  
11 velop a research and development roadmap for the pro-  
12 gram continued in subsection (a), containing the specific  
13 research and development objectives and the anticipated  
14 timetable for achieving the objectives.

15       (c) REPORT.—Not later than 130 days after the date  
16 of enactment of this Act, the Administrator shall provide  
17 the roadmap specified in subsection (b) to the Committee  
18 on Science and Technology of the House of Representa-  
19 tives and the Committee on Commerce, Science, and  
20 Transportation of the Senate.

21       (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated \$750,000 for each of the  
23 fiscal years 2008 through 2010 to carry out this section.

24   **SEC. 912. RESEARCH REVIEWS AND ASSESSMENTS.**

25       (a) REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-  
26 RELATED RESEARCH PROGRAMS.—

1           (1) STUDY.—The Administrator shall enter into  
2           an arrangement with the National Research Council  
3           for a review of the FAA’s energy- and environment-  
4           related research programs. The review shall assess  
5           whether—

6                   (A) the programs have well-defined,  
7                   prioritized, and appropriate research objectives;

8                   (B) the programs are properly coordinated  
9                   with the energy- and environment-related re-  
10                  search programs of NASA, NOAA, and other  
11                  relevant agencies;

12                  (C) the programs have allocated appro-  
13                  priate resources to each of the research objec-  
14                  tives; and

15                  (D) there exist suitable mechanisms for  
16                  transitioning the research results into the  
17                  FAA’s operational technologies and procedures  
18                  and certification activities.

19           (2) REPORT.—A report containing the results  
20           of the review shall be provided to the Committee on  
21           Science and Technology of the House of Representa-  
22           tives and the Committee on Commerce, Science, and  
23           Transportation of the Senate within 18 months of  
24           the enactment of this Act.

1 (b) ASSESSMENT OF THE IMPACT OF SPACE WEATH-  
2 ER ON AVIATION.—

3 (1) STUDY.—The Administrator shall enter into  
4 an arrangement with the National Research Council  
5 for a study of the impacts of space weather on the  
6 current and future United States aviation industry,  
7 and in particular, to examine the risks for Over-The-  
8 Pole (OTP) and Ultra-Long-Range (ULR) oper-  
9 ations. The study shall—

10 (A) examine space weather impacts on at  
11 least the following areas: communications, navi-  
12 gation, avionics, and human health in flight;

13 (B) assess the benefits of space weather in-  
14 formation and services to reduce aviation costs  
15 and maintain safety;

16 (C) provide recommendations on how  
17 NASA, NOAA, and the NSF can most effec-  
18 tively carry out research and monitoring activi-  
19 ties related to space weather and aviation; and

20 (D) provide recommendations on how to  
21 integrate space weather information into the  
22 Next Generation Air Transportation System.

23 (2) REPORT.—A report containing the results  
24 of the study shall be provided to the Committee on  
25 Science and Technology of the House of Representa-

1       tives and the Committee on Commerce, Science, and  
2       Transportation of the Senate not later than 1 year  
3       after the date of enactment of this Act.

4   **SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**  
5       **SEARCH PROGRAMS.**

6       (a) REVIEW.—The Administrator shall enter into an  
7       arrangement with the National Research Council for an  
8       independent review of the FAA's aviation safety-related  
9       research programs. The review shall assess whether—

10           (1) the programs have well-defined, prioritized,  
11           and appropriate research objectives;

12           (2) the programs are properly coordinated with  
13           the safety research programs of NASA and other  
14           relevant Federal agencies;

15           (3) the programs have allocated appropriate re-  
16           sources to each of the research objectives; and

17           (4) there exist suitable mechanisms for  
18           transitioning the research results from the programs  
19           into the FAA's operational technologies and proce-  
20           dures and certification activities in a timely manner.

21       (b) AVIATION SAFETY-RELATED RESEARCH PRO-  
22       GRAMS TO BE ASSESSED.—The FAA aviation safety-re-  
23       lated research programs to be assessed under the review  
24       shall include, at a minimum, the following:

1           (1) Air traffic control/technical operations  
2       human factors.

3           (2) Runway incursion reduction.

4           (3) Flightdeck/maintenance system integration  
5       human factors.

6           (4) Airports technology research—safety.

7           (5) Airport cooperative research program—safe-  
8       ty.

9           (6) Weather program.

10          (7) Atmospheric hazards/digital system safety.

11          (8) Fire research and safety.

12          (9) Propulsion and fuel systems.

13          (10) Advanced materials/structural safety.

14          (11) Aging aircraft.

15          (12) Aircraft catastrophic failure prevention re-  
16       search.

17          (13) Aeromedical research.

18          (14) Aviation safety risk analysis.

19          (15) Unmanned aircraft systems research.

20          (16) Safe Flight 21—Alaska Capstone.

21       (c) REPORT.—Not later than 14 months after the  
22       date of enactment of this Act, the Administrator shall sub-  
23       mit to Congress a report on the results of the review.

24       (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
25       tion to amounts authorized to be appropriated by the

1 amendments made by this Act, there is authorized to be  
2 appropriated \$700,000 for fiscal year 2008 to carry out  
3 this section.

4 **SEC. 914. RESEARCH PROGRAM ON ALTERNATIVE JET**  
5 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

6 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—

7 Using amounts made available under section 48102(a) of  
8 title 49, United States Code, the Secretary of Transpor-  
9 tation shall establish a research program related to devel-  
10 oping jet fuel from alternative sources (such as coal, nat-  
11 ural gas, biomass, ethanol, butanol, and hydrogen)  
12 through grants or other measures authorized under sec-  
13 tion 106(l)(6) of such title, including reimbursable agree-  
14 ments with other Federal agencies.

15 (b) PARTICIPATION BY EDUCATIONAL AND RE-  
16 SEARCH INSTITUTIONS.—In conducting the program, the  
17 Secretary shall provide for participation by educational  
18 and research institutions that have existing facilities and  
19 experience in the development and deployment of tech-  
20 nology for alternative jet fuels.

21 (c) DESIGNATION OF INSTITUTE AS A CENTER OF  
22 EXCELLENCE.—Not later than 6 months after the date  
23 of enactment of this Act, the Administrator of the Federal  
24 Aviation Administration shall designate an institution de-



1 scribed in subsection (a) as a Center of Excellence for Al-  
2 ternative Jet Fuel Research.

3 **SEC. 915. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**  
4 **MENT.**

5 (a) ESTABLISHMENT.—The Administrator shall es-  
6 tablish a Center for Excellence in Aviation Employment  
7 (in this section referred to as the “Center”).

8 (b) APPLIED RESEARCH AND TRAINING.—The Cen-  
9 ter shall conduct applied research and training on—

10 (1) human performance in the air transpor-  
11 tation environment;

12 (2) air transportation personnel, including air  
13 traffic controllers, pilots, and technicians; and

14 (3) any other aviation human resource issues  
15 pertinent to developing and maintaining a safe and  
16 efficient air transportation system.

17 (c) DUTIES.—The Center shall—

18 (1) in conjunction with the Collegiate Training  
19 Initiative and other air traffic controller training  
20 programs, develop, implement, and evaluate a com-  
21 prehensive, best-practices based training program  
22 for air traffic controllers;

23 (2) work with the Office of Human Resource  
24 Management of the FAA as that office develops and  
25 implements a strategic recruitment and marketing

1       program to help the FAA compete for the best quali-  
2       fied employees and incorporate an employee value  
3       proposition process that results in attracting a  
4       broad-based and diverse aviation workforce in mis-  
5       sion critical positions, including air traffic controller,  
6       aviation safety inspector, airway transportation safe-  
7       ty specialist, and engineer;

8           (3) through industry surveys and other research  
9       methodologies and in partnership with the  
10      “Taskforce on the Future of the Aerospace Work-  
11      force” and the Secretary of Labor, establish a base-  
12      line of general aviation employment statistics for  
13      purposes of projecting and anticipating future work-  
14      force needs and demonstrating the economic impact  
15      of general aviation employment;

16          (4) conduct a comprehensive analysis of the air-  
17      frame and powerplant technician certification proc-  
18      ess and employment trends for maintenance repair  
19      organization facilities, certificated repair stations,  
20      and general aviation maintenance organizations;

21          (5) establish a best practices model in aviation  
22      maintenance technician school environments; and

23          (6) establish a workforce retraining program to  
24      allow for transition of recently unemployed and high-  
25      ly skilled mechanics into aviation employment.

1       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Administrator  
3 such sums as may be necessary to carry out this section.  
4 Such sums shall remain available until expended.